



**CODE OF ETHICS  
GENERAL ORDER #1.00**

Adopted: 07/07/2010  
Replaces: G.O. #1011

Reviewed: 02/22/2010

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As a Law Enforcement Officer, my fundamental duty is to serve all persons; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all persons to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession ... law enforcement.

**LAURIE SMITH  
SHERIFF**



**MISSION STATEMENT  
GENERAL ORDER #1.01**

Adopted: 07/07/2010  
Replaces: G.O. #1012

Reviewed: 02/22/2010

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**The Santa Clara County Sheriff's Office is dedicated to the preservation of public safety by providing innovative and progressive service in partnership with the community.**

A handwritten signature in cursive script, appearing to read "Laurie Smith".

**LAURIE SMITH  
SHERIFF**



**CORE VALUES**  
**GENERAL ORDER #1.02**

Adopted: 07/07/2010

Replaces:

Reviewed: 02/22/2010

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- Our principal mission is protection of life and property.
- Our employees are our most valued asset.
- We strive to maintain the highest level of public trust.
- We demand the highest standards of honesty and integrity.
- We value community partnerships.
- We treat each other, and the community, with dignity and respect.
- We recognize diversity as a strength.
- We value personal and professional growth through education and training.
- We recognize the importance of investing in the future of our community's children.
- We recognize the importance of fiscal responsibility through performance-based management.

**LAURIE SMITH**  
**SHERIFF**



## MAINTENANCE OF GENERAL ORDERS AND DIRECTIVES GENERAL ORDER #2.00

Adopted: 07/07/2010  
Replaces: G.O. #2.00 dated 04/15/2008

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### POLICY

General Orders will be issued to set the standard of operation, and administrative functions of the Sheriff's Office for all personnel. Divisional and unit directives and procedures will be issued to personnel affected by those directives and procedures. Reference to "deputy" in these General Orders refers to all sworn members and transportation officers of the Sheriff's Office.

### PROCEDURE

#### A. ISSUING OF GENERAL ORDERS

1. General Orders are available to all employees electronically. Support Services Division will provide a CD version of the General Orders to any employee desiring a copy.
2. Each employee shall be responsible for understanding and abiding by the General Orders.
3. Whenever a new General Order is added to the Sheriff's Office General Orders or a change is made to an existing order, the signed order will be forwarded by the Sheriff to the Support Services Division, who shall distribute the order to all personnel. The Support Services Division shall maintain the original signed Orders in an historical file.
4. Supervisors shall review all new or revised General Orders with their personnel.
5. Employees shall not disclose the contents of the General Orders to the public. Any request for copies of our General Orders or the release of any General Order will be handled by the Sheriff's Office PIO.



**B. REVIEW OF GENERAL ORDERS**

1. General Orders will be reviewed and updated under the direction of the Assistant Sheriff, Administrative Services Bureau.
2. General Orders will be reviewed on an annual basis by the command staff. Command staff members are encouraged to solicit recommendations for revisions of General Orders from members of their command.
3. All commands of the Sheriff's Office shall be responsible for an annual review of the General Orders. This review, to be coordinated by the Support Services Division, will commence on January 1 of each calendar year for a thirty-day period. At the conclusion of the review period, all commands shall submit their recommendations to the Support Services Division, including drafts of recommended changes. Support Services will provide copies of the recommendations to the members of the command staff for their review.
4. Following review by the commanders, the recommendations will be reviewed by the Support Services Division and recommended revisions will be submitted to the Sheriff for final review and adoption.

**C. REVISION OF GENERAL ORDERS**

1. Revisions of the General Orders are encouraged at any time and are not restricted to the period of annual review.
2. Recommended revisions or additions to the General Orders shall be submitted through the Commander, Administrative Services Bureau to the command staff.
3. The employee submitting the proposed revisions or additions to the General Orders will prepare a written draft and submit it to the Assistant Sheriff, Administrative Services Bureau, via the chain of command, for consideration.
4. Prior to submitting the draft General Order to the Sheriff, the Assistant Sheriff, Administrative Services Bureau, will submit the draft to the Support Services Division to revise it for consistency with existing orders and drafting style, and to obtain additional review, if requested.
5. When the revision or addition has been approved by the command staff, a final draft will be completed and submitted to the Sheriff for final review.

**D. DIVISIONAL AND UNIT DIRECTIVES AND PROCEDURES**

1. Divisional and unit directives and procedures are the responsibility of the division captain and are to be updated as needed.
2. Divisional and unit directives and procedures shall be submitted to the appropriate Bureau Assistant Sheriff for approval. The Bureau Assistant Sheriff shall ensure that the directives or procedures are in compliance with all General Orders prior to being issued.
3. When the Assistant Sheriff has reviewed and approved the directive or procedure, he or she shall direct the distribution of copies. The signed original shall be maintained by the Bureau in an historical file.
4. Divisional and unit directives and procedures shall be issued to the following:
  - a. All personnel assigned to the division or unit.
  - b. The Sheriff, the Undersheriff, and the Assistant Sheriffs
  - c. The division captains within the same bureau as the division issuing the procedures.
  - d. Support Services Division.



**LAURIE SMITH**  
**SHERIFF**



## WRITTEN COMMUNICATIONS SYSTEM GENERAL ORDER #2.01

Adopted: 07/07/2010  
Replaces: G.O. 2.01 dated 1/10/02

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **PROCEDURE**

#### **A. SHERIFF'S OFFICE GENERAL ORDERS**

Sheriff's Office General Orders contain written directives issued by the Sheriff establishing permanent policy or procedures, or both, and generally affect the entire Sheriff's Office. They are the most authoritative directives issued and remain in effect until amended, superseded or rescinded. Sheriff's Office General Orders generally contains two sections: policy and procedures.

1. Policy section. The Policy Section states the Sheriff's Office's principles and overall plan and embraces its goals, philosophy and acceptable procedures.
2. Procedure section. The Procedure Section establishes a uniform process to accomplish tasks, consistent with Sheriff's Office policy.
3. Indexing. Sheriff's Office General Orders are indexed by section and order number, such as 5.01. The section number relates to a general subject category and the order number is sequential.
4. Publishing. The Support Services Division is responsible for coordinating the publication of Sheriff's Office General Orders and shall maintain additional copies for employees.

#### **B. SHERIFF'S OFFICE BULLETINS**

Sheriff's Office Bulletins contain directives and information issued by the Sheriff which are distributed Sheriff's Office-wide. Sheriff's Office Bulletins may contain training information,

general information, crime information, special orders, event orders or deployments, and may supplement or amend Sheriff's Office General Orders.

1. Indexing. Sheriff's Office Bulletins are indexed by year and sequentially numbered, such as 2010-12.
2. Responsibilities. Every member shall maintain a working knowledge of Sheriff's Office Bulletins and comply with their provisions. Every Division, division section, company and unit shall maintain at least one set of Sheriff's Office Bulletins accessible to its members.
3. Preparation of Sheriff's Office bulletins. The Support Services Division is responsible for coordinating the publication of Sheriff's Office Bulletins and shall maintain additional copies for members.

**C. DIVISION PROCEDURES.**

Division Procedures contain permanent directives issued by a division. They are directed to all units within a Division and remain in effect until amended, superseded or rescinded. Division Procedures shall not conflict with established Sheriff's Office policies or procedures and/or General Orders.

1. Approval and indexing. Division Procedures shall be approved and indexed by the appropriate captain. Copies shall be forwarded to the Support Services Division.
2. Responsibilities. All units shall maintain Division Procedures that are directed to them and have them always accessible to their members. Division Procedures shall be placed in a binder with an index. Members shall comply with their provisions.

**D. DIVISION BULLETINS**

Division Bulletins contain directives or information issued by a division.

1. Responsibilities. Every unit receiving Division Bulletins shall maintain them and have them accessible to its assigned members. Members shall comply with their provisions.

**E. UNIT PROCEDURES**

Unit Procedures contain permanent directives issued by commanding officers or their superiors. They establish directives that apply to specific unit functions and shall not conflict with established Sheriff's Office policies or procedures. Unit Procedures may be directed within a

unit or may be directed by authority to several units within a Division. They remain in effect until amended, superseded or rescinded.

1. Approval and indexing. Unit Procedures shall be approved and indexed by the appropriate lieutenant. Copies shall be forwarded to the Support Services Division.
2. Responsibilities. All units shall maintain Unit Procedures issued by their commanding officers and have them always accessible to their members. Unit Procedures shall be placed in a binder with an index and shall be designated as the Unit Procedures Manual. Members shall comply with their provisions.

**F. PERSONNEL ORDERS**

Personnel Orders are issued by the Sheriff to announce various personnel changes in the Sheriff's Office.

**G. SHERIFF'S OFFICE MEMORANDA**

Memoranda are internal written communications used to inform, inquire or direct. Memoranda directed to subordinates in directive terms have the effect of an order. Memoranda shall be routed through the chain of command. A memorandum routed upward through the chain of command shall be addressed to the commanding officer of the employee preparing it.

**I. SHERIFF'S OFFICE MANUALS**

Sheriff's Office Manuals contain policies and procedures of a specialized nature which may be comprehensive extensions of existing Sheriff's Office General Orders. Each unit shall maintain manuals as required and its members are responsible for complying with the provisions of Sheriff's Office Manuals applicable to their duties.



**LAURIE SMITH  
SHERIFF**



## EMPLOYEE SUGGESTIONS GENERAL ORDER #2.02

Adopted: 5/22/13

Replaces: G.O. #2.02 dated 07/07/2010

Reviewed: 5/21/13

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### POLICY

Employees are encouraged to reference the County's website for the "Employee Suggestion Program" to submit ideas, concerns and suggestions. Employees may submit suggestions to their immediate supervisor, any other supervisor either within or outside the employee's chain of command or directly to the Personnel Manager who acts as the department's representative to the County's Employee Suggestion Program. Suggestions will be reviewed by division captains or the Personnel Manager and forwarded in a timely manner to their Assistant Sheriff with recommendations. Each suggestion will be evaluated.

**LAURIE SMITH**  
**SHERIFF**



## **CHAIN OF AUTHORITY GENERAL ORDER #3.00**

Adopted: 07/07/2010  
Replaces: G.O. #3.00 dated 1/10/02

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

The Sheriff is the chief administrator and executive officer of the Sheriff's Office. In the absence of the Sheriff, there will be a chain of command.

### **PROCEDURE**

#### **A. SHERIFF**

The Sheriff is the chief executive officer of the Sheriff's Office and the final authority on all matters of policy, operations and discipline. The Sheriff exercises all lawful powers of her or his office and issues such orders as are necessary to ensure the effective performance of the Sheriff's Office. Through the Sheriff, the Sheriff's Office is responsible for the enforcement of all laws and ordinances coming within its legal jurisdiction. The Sheriff is responsible for planning, directing, coordinating, controlling and staffing all activities of the Sheriff's Office for its continued and efficient operation.

#### **B. UNDERSHERIFF**

The Undersheriff is second in command in the Sheriff's Office and is appointed by the Sheriff. The Undersheriff is a major executive of the Sheriff's Office and commands the activities of the bureaus and divisions in accordance with the policies prescribed by the Sheriff. It is his or her duty to aid, advise and cooperate with the Sheriff in general administrative matters and in determining matters of policy. During the Sheriff's temporary absence from duty, the Undersheriff assumes all duties and responsibilities of the Sheriff.

#### **C. ASSISTANT SHERIFF/DIRECTOR, ADMINISTRATIVE SERVICES**

The Assistant Sheriff and the Director of Sheriff's Administrative Services, are appointed by the Sheriff. The Assistant Sheriff are major executives of the Sheriff's Office and command the activities of the bureaus and divisions in accordance with the policies prescribed by the Sheriff. It is their duty to aid, advise and cooperate with the Sheriff in general administrative matters and in determining matters of policy. The Assistant Sheriff assume the responsibilities of the Sheriff when the Undersheriff and Sheriff are absent from duty. The Director of Administrative Services is a major non-sworn executive of the Sheriff's Office and supervises the fiscal services, records, information systems, and tow program functions. The Director of Administrative Services reports to the Undersheriff. It is her or his duty to aid, advise and cooperate with the Sheriff in general administrative matters and in determining matters of policy.

**D. CAPTAINS**

Captains are commanding officers of a division or commanding officers of a sub-divisional function. Captains are assigned to assist the Sheriff, the Undersheriff, and the Assistant Sheriff in the performance of their duties and responsibilities. Captains carry out Sheriff's Office policies and administer and supervise the work of various divisions. Division commanding officers establish procedures for their respective commands.

**E. LIEUTENANTS**

Lieutenants command a division function. Lieutenants may be assigned to command a division, unit or detail. Lieutenants are staff officers and assist the division commanding officer in his or her duties. As unit commanders, they administer and supervise the work of various units within the division.

**F. SERGEANTS/SUPERVISORY OFFICERS**

Sergeants/supervisory officers supervise the work of a group of one or more subordinate employees. A supervisory officer may be assigned to the field or office duties. Sergeants/supervisory officers shall closely supervise the activities of their subordinates and provide leadership and direction. They are also responsible for the enforcement of rules, regulations and adherence to policy. They are responsible for the inspection of activities, personnel and equipment under their supervision and the initiation of suitable action in the event of failure, error, violation or neglect of duty. Field supervisors will respond to the scene of serious emergencies, felonies in progress, or any other call of a serious nature.

**G. CHAIN OF COMMAND**

The chain of command for the Santa Clara County Sheriff's Office will be as follows:

1. Sheriff
2. Undersheriff



3. Assistant Sheriff, Field Services Bureau
4. Assistant Sheriff, Services Bureau
5. Captain
6. Lieutenant/Civilian Managers
7. Sergeant/Civilian Supervisors
8. Deputy/Correctional Officers/Civilian Employees

Personnel who are assigned to act in capacities above their rank will, for the duration of that assignment, possess the authority of the rank designated.

All communications within the Sheriff's Office, whether moving upward or downward, will be through official channels through the chain of command. Nothing in this order shall prevent a member from contacting personnel outside of the chain of command on matters of a personal nature or in an emergency. When communications are directed to personnel more than one level above or below the initiating level, it will be forwarded through each rank in the chain of command. In communications regarding suggestions and/or recommendations traveling upward through the chain of command, each level may attach a recommendation regarding that communication.



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**LAURIE SMITH**  
**SHERIFF**

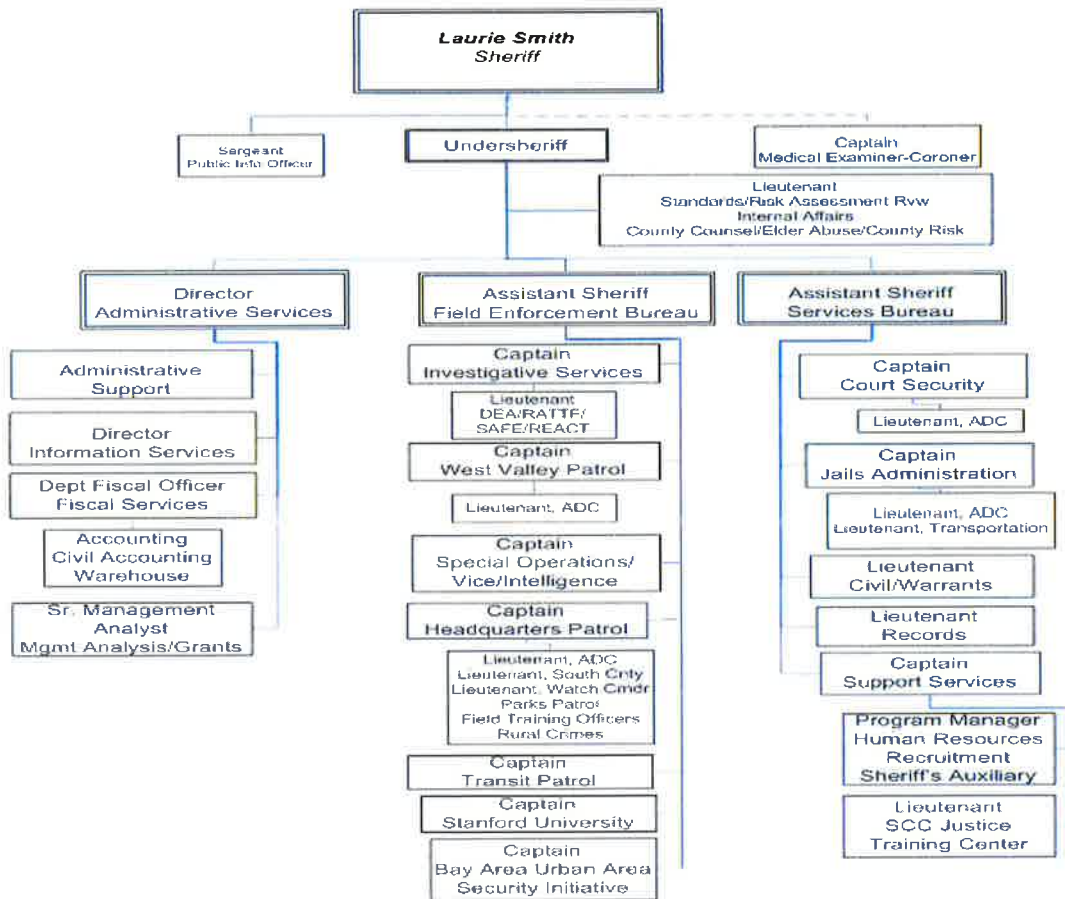


## ORGANIZATION CHART GENERAL ORDER #3.01

Adopted: 07/07/2010  
Replaces: G.O. #3.01 dated 01/10/02

Updated: 04-01-2010  
Reviewed: 04/06/2010

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LAURIE SMITH  
SHERIFF



## **WATCH COMMANDER AUTHORITY GENERAL ORDER #3.02**

Adopted: 07/07/2010  
Replaces: G.O. #3.02 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY:**

Watch Commanders will oversee all departmental operations and will coordinate activities of all departmental units, in the absence of departmental command staff.

### **PROCEDURE:**

#### **A. GENERAL RESPONSIBILITIES AND REPORTING FOR DUTY.**

1. The Watch Commanders will be under the direct command of, and report directly to, the Headquarter Patrol Captain, or person designated by the Undersheriff.
2. The Watch Commanders shall take such action(s) as may be necessary to assure efficient and effective operation of the department, in the absence of command staff.
3. The Watch Commanders will coordinate departmental activities involving more than one division or bureau, in the absence of command staff.
4. The Watch Commanders will perform or direct inspection duties at the Main Jail, Elmwood, of hospital guards and of patrol operations at least once each shift, as time permits.
5. The Watch Commanders will wear a full and complete regulation Sheriff's Office uniform while on duty.
6. The Watch Commanders will work those days and hours as directed by the Headquarter Patrol Captain.

## **B. INSPECTION AND REPORTING DUTIES**

1. The Watch Commanders are responsible for the inspection of all aspects of the Office of the Sheriff. This oversight will assure that all divisions are in compliance with departmental general orders, established divisional policies and operating procedures.
2. Any unusual circumstance(s) will be described in a separate memorandum.

(a). Distribution shall be as listed in section c (below).

## **C. REPORT WRITING AND REPORTING DUTY**

### **1. DAILY ACTIVITY LOG**

- (a) The Watch Commanders will submit a daily activity log at the conclusion of each assigned tour of duty.
- (b) The daily activity log will contain, but is not limited to, the following items:
  - (1) The inspections performed, squad meetings attended, and any notable activities which occurred during the assigned tour of duty.
  - (2) Any activities that are pending or anticipated.
  - (3) Communications and requests from outside agencies.
  - (4) Correspondence and information that other members of the department's staff should be made aware of.
  - (5) Major incidents.
  - (6) Noteworthy issues.

### **2. MAJOR INCIDENTS**

- (a) The Watch Commanders shall be responsible for advising division captains of important incidents or information occurring on the watch pertaining to their division(s). As appropriate, the Watch Commanders shall also notify the appropriate Bureau Assistant Sheriff of such incidents. Such notification(s) shall be made in a timely manner.

3. DISTRIBUTION OF REPORTS

- (a) The Watch Commanders' daily activity log will be completed and distributed via the Sheriff's Office computer program.
- (b) Any Watch Commander's single-incident-specific memorandum(s) and associated report(s), will be distributed as follows:
  - (1) Sheriff
  - (2) Undersheriff
  - (3) Respective Bureau Assistant Sheriff
  - (4) Involved Division Captains

**D. EMERGENCY SITUATIONS**

- 1. Upon being advised of the existence of a problem or an emergency situation within Sheriff's Office jurisdiction, the watch commanders are authorized to take action to rectify the situation.
  - (a) The Watch Commanders are authorized to obtain, or mobilize needed staff to resolve the situation.
  - (b) The Watch Commanders will make, or direct to be made, the appropriate notifications during such emergencies.
  - (c) The Watch Commanders may request activation of any special team through the appropriate activation process.
- 2. CHAIN OF COMMAND
  - (a) The ranking supervisors of each division will advise the Watch Commanders of any event that exceeds their authority, ability to handle, are newsworthy or involve personnel issues and the Watch Commanders will decide what course of action should be taken to resolve the problem.
    - (1) Sergeants or supervisors will not consult an off-duty staff officer without first contacting the Watch Commander, if one is on-duty. If the Sergeant or Supervisor is unable to contact the on-duty Watch Commander, after utilizing all available resources, they shall contact their division's admin staff.

- (2) All personnel shall submit any problems to their Sergeant or immediate supervisor; he/she will determine if the issue should be brought to the attention of the Watch Commander. The exception to this will be when the sergeant or the immediate supervisor is not available. The field unit or subordinate should contact the operations desk, in an effort to access either the supervisor or the Watch Commander.

#### **E. ADDITIONAL DUTIES OF THE WATCH COMMANDERS**

1. Additional administrative duties may be assigned to the Watch Commanders at the discretion of the Sheriff or Undersheriff or with the Undersheriff's approval. These duties may also involve a modification of their shift assignment.

A handwritten signature in black ink, appearing to read "Laurie Smith", is positioned above the printed name and title.

**LAURIE SMITH  
SHERIFF**



## **SAFETY COMMITTEE GENERAL ORDER #4.02**

Adopted: 07/07/2010  
Replaces: G.O. #4.02 dated 1/10/02

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

All operations of the Sheriff's Office shall be conducted with the utmost concern for its personnel, equipment, vehicles, and facilities. The reduction of losses due to injuries to employees and damage to county property is an essential part of an efficient operation. Therefore, the practice of safety and the prevention of accidents in the workplace shall be the responsibility of all members of this agency. The safety committee will assist the Sheriff's Office to respond to safety needs.

### **PROCEDURE**

#### **A. SAFETY COMMITTEE**

1. A Sheriff's Office safety committee will be chosen, established and maintained for the following purposes.
  - a. The development of safety policies and procedures.
  - b. The investigation or review of accidents.
  - c. The preparation and submission of periodic reports regarding accidents and safety program activities.
  - d. The investigation for unsafe conditions of county facilities under the control of the Sheriff.
  - e. The development of constructive action in regard to unsafe conditions which must be corrected.

- f. The development of recommendations to the Sheriff's command staff for possible solutions, corrective action, and general information. This will include a fiscal impact statement with concern to the recommendation.
- g. The development of methods to raise the level of safety consciousness among Sheriff's Office employees.

**B. SAFETY PROGRAM**

- 1. The safety committee shall coordinate the safety program.
- 2. The safety program shall consist of a multi-faceted, pro-active approach to ensure a safe work environment, and reduce the number of on-the-job injuries and vehicle accidents. The primary emphasis is prevention.
- 3. Program minutes will be taken and forwarded to the Sheriff.
- 4. Program components.
  - a. **Safety awareness and training.** The purpose of this component is to provide for a pro-active means of promoting safe work habits. This shall be accomplished by raising the level of safety awareness through a variety of methods, which may include: evacuation drills, safety announcements, injury prevention posters, safety publications, officer safeguard and work site briefings.
  - b. **Safety inspections.** The purpose of the safety inspections component is to identify areas with potential safety hazards and, more importantly, to provide a means through which those hazards can be mitigated.
  - c. **Occupational injury.** The safety committee should review on-the-job injuries as a means of preventing further reoccurrence of the same type of incident. Prevention is promoted through enacting policy and guidelines for vehicular collision and injury reduction.
  - d. **Safety awards.** The purpose of this component is to recognize and reward employees and division leaders who maintain well-founded safety records.

**C. SAFETY COMMITTEE**

- 1. Chairperson: The person designated by the Sheriff to be the "safety officer" of the Sheriff's Office.
- 2. Building operations/evidence room employee selected by the Chairperson.



3. One sworn personnel - appointed by the Sheriff.
4. One non-sworn - labor representative chosen by Local 521 (S.E.I.U.).
5. One non-sworn - labor representative chosen by CEMA.
6. One sworn personnel - labor representative chosen by the DSA.
7. One non-sworn - chosen by vote of co-workers [same class as employee].
8. One sworn personnel - labor representative chosen by the county's CPOA.

**D. INVESTIGATIONS**

1. The safety committee shall conduct investigations of all accidents which occur in this agency's operations which it deems necessary, and shall make recommendations concerning safety hazards and conditions.
2. The safety committee will function in an advisory capacity.
3. The discovery or reporting of flagrant, dangerous situations will be referred to appropriate outside agencies. The outside agency may include the District Attorney's Office or the Grand Jury. In the event of an industrial accident, Cal. O.S.H.A. or Workers' Compensation may also be contacted.
4. An industrial accident or an employee injury will be handled at the divisional level. The H.I.P. coordinator, in compliance with the labor agreements, will address issues such as scheduled time off, modified work/duty assignments, benefits, and the procedures for a grievance and/or arbitration.



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**LAURIE SMITH  
SHERIFF**



## **RESERVE PROGRAM GENERAL ORDER #5.00**

Adopted: 07/07/2010

Replaces: G.O. #5.00 dated 1/10/02

Reviewed: 02/22/2010

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### **POLICY**

The Reserves shall be a voluntary unit of citizens, operating in accordance to law who shall supplement, but not replace or be used in lieu of, regular members of the Sheriff's Office. In performance of such work, they shall be governed by the applicable General Orders of the Sheriff's Office and the Reserve General Orders. The Reserves shall abide by the rules and regulations laid down by the Sheriff or her or his duly appointed representatives. Reserves shall be authorized to work in all areas and functions of the Sheriff's Office in accordance to law and agreements made between the Reserve Coordinator and the Sheriff's Office division commanders and as authorized by State law.

The purpose of the Reserves shall be to cooperate with and to assist the legally constituted Sheriff's Office of the County of Santa Clara, State of California, under the orders and direction of the Sheriff, in the enforcement of law and order during any and all emergencies declared to exist within the County of Santa Clara by the Sheriff; to render volunteer service as Peace Officers upon occasions when, in the opinion of the Sheriff, such augmentation to the regular department is essential to the public welfare and safety; to exercise Peace Officer powers at any time when circumstances make it expedient and necessary to preserve order and/or protect life and property. In order to maintain an active, trained and experienced Reserve organization, members of the Reserve shall be assigned duties commensurate with their qualifications, training and experience on an on-going basis irrespective of any critical need of the Sheriff's Office.

### **PROCEDURE**

- A. The Reserve shall be noncommercial, nonsectarian and nonpartisan. No commercial enterprise and no candidate for public office shall be endorsed by it. Neither the name of the Reserve nor the names of any of its officers in their official capacities shall be used in connection with a commercial concern or with any partisan interest or for any other purpose than the work of the Reserve organization.

- B. The Reserve may cooperate with other organizations and agencies active in law enforcement or related activity with approval of the Reserve Coordinator, provided that the representative makes no commitments that bind the Reserve without prior authorization.
- C. No member of the Reserve shall be called into service or assigned to duty which would in any way tend to knowingly involve him or her in controversy arising from or in the event of labor disputes or strikes. In the event of a strike of County employees, members of the Reserve will be expected to honor all previous commitments to duty. Members of the Reserve shall not be assigned to other than normal Reserve duties during labor disputes or strikes. It may be necessary to cross union picket lines to report for duty, as will also be the case for regular deputies.
- D. The services of the Reserve will not be used in any manner that would circumvent increasing the number of regular deputies of the Sheriff's Office to proper strength according to population or other reason; nor shall the services of individual Reserves be used to the detriment of the regular members of the Sheriff's Office.
- E. Application for entrance to the Reserve shall be restricted to individuals of good reputation that meet the following criteria:
  - 1. Be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship a minimum of one year prior to submitting the application.
  - 2. Possess a high school diploma or GED certificate.
  - 3. No felony convictions (some misdemeanor crimes involving theft or moral turpitude may be grounds for disqualification).
  - 4. Minimum age twenty years, six months. Applicants must be 21 years old at time of appointment.
  - 5. In good health including the requirement to be/have:
    - a. Proportional in height and weight.
    - b. Vision of no less than 20/100 in either eye and correctable to 20/20 in both eyes with normal vision function, acuity and color perception.
    - c. Normal hearing in both ears.
  - 6. Free of conflicts with armed private security employment.

7. Not working in any capacity relating to the retail sale of or dispensing over the counter of alcoholic beverages in premises wherein no person under 21 years of age is allowed.
  8. Not working in a firm engaged in gambling or card playing, except as authorized by the Sheriff.
  9. Possession of a valid California Drivers License, with not more than three convictions for moving violations in the last three years, nor more than one moving violation in the past one year.
- F. All applicants shall be required to successfully pass all requirements prior to being sworn-in as a member of the Reserve.
- G. The Santa Clara County Sheriff's Reserves shall consist of the number of members as authorized by the Sheriff.



**LAURIE SMITH**  
**SHERIFF**



## **SHERIFF'S COMMUNITY VOLUNTEER PROGRAM GENERAL ORDER # 5.01**

Adopted: 07/07/2010  
Replaces: G.O. 5.01 dated 3/31/01

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

The Sheriff's Office recognizes the necessity of operating a department-wide volunteer program designed to supplement our existing service capability. The individual volunteer is not a replacement or an alternative to established employee positions, but shall be developed as a means to fulfill certain unusual or focused service requirements.

### **PURPOSE**

The purpose of the volunteer program is to supplement existing staff in an effort to provide additional service which admittedly could not be fulfilled without the assistance of volunteers. As community requests for law enforcement response/service continue to increase, citizen volunteers have been recruited to handle certain tasks. While these tasks are generally considered low risk, they are often very critical to the overall operation of the Sheriff's Office. While performing their assigned duties, Sheriff's Office Volunteers shall not (1) involve themselves in any type of enforcement action, (2) carry weapons of any kind, or (3) participate in arrests or custodial detentions. All Sheriff's Office Volunteers shall receive a task-specific orientation prior to commencing work, and shall receive additional training from the Sheriff's Office Supervisor at the assigned job-site.

## **PROCEDURE**

### **A. INITIAL INTERVIEW**

The Community Services Division of the Sheriff's Office shall have overall responsibility for recruiting and selecting the individual volunteers, and shall have the additional responsibility of coordinating the program itself. Every Volunteer Applicant shall complete an "application for consideration" and be processed through the following procedure:

- (1) Once the Volunteer Applicant has completed the application for consideration, they shall participate in a face-to-face interview with the coordinator of the Volunteer Program. During this initial interview, the coordinator shall review the completed application, explain the selection and training process to the applicant, and attempt to assess the following factors:
  - a. The nature of the volunteer's motivation.
  - b. The volunteer's ability to work with others.
  - c. The volunteer's maturity level and demeanor.
  - d. The volunteer's time constraints/availability.
  - e. The volunteer's skills relative to our current need.
  - f. The volunteer's ability to work within our current organizational structure.
  - g. The volunteer's ability to pass a standard background check.
  - h. The volunteer's ability to work through the orientation and training process.
  - i. The volunteer's understanding of public agency confidentiality.
  - j. The volunteer's previous work history relative to reliability.

(2) In addition to assessing the Volunteer Applicant during this initial interview, the Volunteer Coordinator shall specifically advise the applicant of the County Ordinance relating to the liability and health insurance coverage available to public agency volunteers.

### **B. APPLICATION**

Upon acceptance by the Volunteer Coordinator of the Volunteer Applicant's "application for consideration," the candidate is provided with a standard Sheriff's Office "Volunteer Application Packet." In order to receive this application packet, the candidate must be at least 18 years of age, possess no Felony convictions, and be eligible to receive a valid California Driver's License. Upon completion of the paperwork contained within the "Volunteer Application Packet", the Sheriff's Office Reserve Division will immediately begin processing the application by conducting a thorough background investigation.

### **C. SCREENING AND SELECTION**

The following procedure shall be followed whenever the Sheriff's Office Reserve Division receives a completed applicant packet from the Volunteer Coordinator. The Volunteer Coordinator is ultimately responsible for arranging the background investigation of all volunteer applicants through the Sheriff's Office Personnel and Training Division. However, depending on immediate need and potential assignment, background investigations may be conducted by the Sheriff's Office Reserve Unit Coordinator, or other designated unit. Notwithstanding this expedited process, all applicants shall receive a thorough background investigation which shall include a record's check, a criminal history check, a warrant check, a financial history check, and a Department of Motor Vehicles check. No volunteer shall be allowed to work within the structure of the Santa Clara County Sheriff's Office unless they been subject to this process.

#### **D. APPLICANT ACCEPTANCE/REJECTION NOTIFICATION**

When a Volunteer Candidate has successfully completed all phases of the hiring process, the Volunteer Coordinator will notify the Candidate as soon as practical of their ability to attend the next Volunteer Program Training session. Once this training has been completed, the Volunteer Candidate's name shall be added to the "placement availability list" which shall be maintained by the Volunteer Coordinator working within the Sheriff's Office Reserve Division. If an when an assignment arises which fits the qualified Volunteer's skill sets, the Volunteer Coordinator shall immediately notify the Volunteer Candidate of their placement. At this point the Volunteer Candidate shall be welcomed into the Sheriff's Office as a new volunteer. Any Volunteer Applicant who has been rejected as a Volunteer Candidate shall be notified in writing of this determination by mail as soon as practical.

#### **E. TRAINING**

The Volunteer Candidate training/orientation shall include, but not be limited to, the following:

- (1) An overview of the structure of the Sheriff's Office
- (2) An overview of the policies, procedures, and general orders applicable to the Sheriff's Office with specific emphasis on the Volunteer Program.
- (3) An orientation of all Sheriff's Office facilities.
- (4) Familiarization with the Santa Clara County Sexual Harassment Policy.

#### **F. ASSIGNMENTS**

##### **1. Administration Division**

- a. Weed and Seed Area Coordinator: Volunteers may act as the program coordinators for the "Weed and Seed" area and as liaisons for the grant area with the other community partners in the "Weed and Seed" program.

- b. Data Entry: Volunteers may assist in maintaining all data related to the Community Volunteer Program.
- c. General Clerical: Volunteers may assist the Reserves Division Sergeant, secretary, and Community Policing Deputies with updating of files, data entry and general office duties.
- d. CVP Coordinator Assistant: Volunteers may assist the Community Services Sergeant in developing and maintaining the CVP program, as well as perform CVP assignment schedules, oversee monthly meetings and over seeing the CVP monthly newsletter.
- e. Other Duties as Assigned: The Community Services Sergeant may assign a volunteer or volunteers to an assignment not listed in this General Order upon approval of the Division Commander.

## **2. Community Services Division**

- a. Community Service Requests: Volunteers may schedule and coordinate community requests for Sheriff's Office personnel. This may include parades, crime prevention presentations, National Night Out, the County Fair, and other types of events.
- b. Other Duties as Assigned: The Community Services Sergeant may assign a volunteer or volunteers to an assignment not listed in this General Order upon approval of the Division Commander.

## **3. Mobile Command Post Team**

- a. Mobile Command Post Drivers: Volunteers may be assigned as on-call drivers for the Mobile Command Post Vehicle. Their on call status will be on a volunteer basis only. Drivers of the Mobile Command Post Vehicle will be required to attend a training course in the operation and set-up of the vehicle. The ideal candidate for the team should have prior experience driving a large vehicle of similar configuration.
- b. Mobile Command Post Support: Volunteers may be assigned as support personnel for the Mobile Command Post. They will also be placed on an on-call status voluntarily. Their responsibilities will include the assistance of set-up of the vehicle, transportation of any additional supplies to and from the Command Post, and other miscellaneous duties.



- c. Other Duties as Assigned: The Community Services Sergeant may assign a volunteer or volunteers to an assignment not listed in this General Order upon approval of the Division Commander.

#### 4. **Operation Lifesaver Team**

- a. Operation Life Saver Team Administrator: Volunteers may act as a liaison with the Special Operations Unit to coordinate the installation and maintenance of the Operation Life Saver bracelets and may also over see the scheduling of the installation and maintenance of the bracelets as well as preserve the maintenance logs.
- b. Operation Live Saver Team Member: Volunteers may work on the Operation Live Saver Team. These members will respond to local residences to install and maintain the tracking bracelets and may also be on the search team to be utilized when a program participant is reported lost.
- c. Other Duties as Assigned: The Community Services Sergeant may assign a volunteer or volunteers to an assignment not listed in this General Order upon approval of the Division Commander.

#### 5. **Patrol Division**

- a. Community Patrol: Volunteers may perform both vehicle and foot patrols in the community we serve. A minimum of *two* members will perform the patrols. Single member patrols are *strictly* prohibited. While on patrol members will be able to communicate with County Communications via a mobile radio or cellular telephone. If the Volunteer observes any suspicious person/activity while on patrol, the proper action would be to keep the situation under observation and contact County Communications to advise them of the situation.
- b. Graffiti Abatement: Volunteers will act as a liaison between the Sheriff's Office and the County Graffiti Abatement Program to ensure that graffiti is reported and removed in a timely manner. Volunteers may respond to reports of graffiti in the community as well as report any "on-view" graffiti they observe. Once the CVP volunteer locates the graffiti, they will photograph and document the event. The incident will then be forwarded to the Graffiti Abatement volunteer who will advise County Graffiti Abatement.
- c. Vacation House Checks: Volunteers may be assigned to the Vacation Check Program, or supplemental Patrol Checks of residences in Santa Clara County. After completing a vacation/patrol check, it will be the responsibility of the volunteer to complete the vacation/patrol check form and turn it in to the

Volunteer Coordinator's Office. Below is the recommended procedure for performing the patrol check:

- Drive by the residence slowly and visually assess the residence.
  - Park across the street, one to two residences away, continuing to visually assess the residence. The CVP Volunteers should be looking for open windows, doors, or vehicles that are not associated to the address.
  - If the residence appears normal, the CVP Volunteer should park in front or in the driveway of the residence.
  - Advise County Communications of the patrol/ vacation check.
  - Exit the vehicle and proceed to the front of the residence. Look for signs of forced entry, while maintaining visual contact with your partner. NEVER separate from your partner.
  - The CVP program was created to augment the Sheriff's Office and act as extra eyes and ears in the community, ***NOT*** to take any enforcement actions. Keeping this in mind one reoccurring theme is recognized; "Be suspicious, but do not get involved, merely observe".
- d. Vehicle Abatement: Volunteers may report and mark abandoned or nuisance vehicles. Volunteers may be notified of abandoned vehicle, or may "on-view" suspicious unoccupied, or obviously abandoned vehicles that directly effect the quality of life or create a public nuisance to the community. Once a vehicle has been marked, volunteers will relay the information to the appropriate patrol division.
- e. Patrol Procedures:
- Be alert at ALL times
  - Do not rationalize.
  - Use good, sound judgment and never place yourself in a hazardous situation.
  - Avoid "tunnel vision".
  - Constantly scan your surroundings; be vigilant of everything around you.
  - Be alert of subjects running out of or away from businesses.
  - Pay attention to any activity inside businesses.
  - Look for suspicious persons around businesses.

## **G. VEHICLE PROCEDURES**

1. Standards: Volunteers shall possess a valid California Driver's License at time of appointment and must be able to obtain a County Driver's License within 30 days.. Volunteers shall not have any restrictions on driving privileges and/or any prior serious convictions involving a motor vehicle.
2. Requirements for Driving a County Vehicle:
  - Volunteers shall use designated departmental vehicles.
  - Mileage shall be recorded prior to and at the completion of each shift.
  - Vehicles shall be refilled at the end of each shift.
  - Volunteers shall obey all traffic laws including safety belt laws while using the vehicle.
  - Smoking is not permitted in any County vehicle and vehicles must be kept clean
  - Mechanical problems that arise shall be immediately reported to the Assistant Coordinator, the Reserve Coordinator, or the Division Commander.
  - Volunteers shall immediately notify the on-duty Patrol Division Supervisor of any traffic collision, no matter how minor and submit a completed County Traffic Accident form to the Reserve Coordinator.



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**LAURIE SMITH**  
**SHERIFF**



**SHERIFF'S OFFICE BADGES AND IDENTIFICATION CARDS  
GENERAL ORDER #6.00**

Adopted: 07/07/2010  
Replaces: G.O. #6.00 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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**PROCEDURE**

**A. ISSUANCE OF BADGES**

1. All Sheriff's Office sworn staff members shall be issued a Sheriff's Office badge with a banner designating the appropriate rank along with an assigned PIN (Personal Identification Number) or badge number for identification purposes.
2. The Support Services Division shall be responsible for the issuance and control of all Sheriff's Office badges.
3. All badges shall be issued in a numerically ascending order, by department date of appointment using the following sequences:
  - a. Badge numbers 1000-3999 for duly appointed Deputy Sheriffs of all ranks.
  - b. Badge numbers 4001-6999 for duly appointed Sheriff's Correctional Officers.
  - c. Badge numbers 8001-8999 for Extra-help Deputy Sheriffs, Special Duty Officers and members of any task force operating under the authority of the Sheriff.
  - d. Badge numbers 9001-9999 for duly appointed Reserve Deputy Sheriffs.
4. White metal badges will be issued to the ranks of Deputy Sheriff, Sergeant,

Reserve Deputy Sheriff, and Extra-help Deputy Sheriff.

5. Yellow metal badges will be issued to the ranks of Lieutenant, Captain, Assistant Sheriff, Undersheriff, and Sheriff.

**B. ISSUANCE OF SHERIFF'S OFFICE IDENTIFICATION CARDS**

1. All regular and part-time employees of the Office of the Sheriff will be issued department identification cards.
2. Sheriff's Office Reserve Deputies, volunteers, interns, and other occupants of the Sheriff's Office Headquarters building employed by other agencies will also be issued Sheriff's Office identification cards.
3. The Sheriff's Support Services Division will be responsible for the issuance and control of all department identification cards.

All staff shall be issued a white card with a dark green border on the top with gold lettering within. See "Retirement Policy" of the General Orders for details of retirement identification card issuance.

- b. Each identification card shall be imprinted with the member's name and rank or classification, expiration date and signature of the Sheriff on the front. Identifying information and the bearer's signature and right index fingerprint shall be displayed on the back of the card.

**C. DISPLAY OF BADGES AND IDENTIFICATION CARDS**

1. The badge will be displayed in the following manner:
  - a. Uniformed Personnel - Uniformed personnel, while on duty, will wear the issued badge on the outermost garment over the left breast to be plainly visible at all times.
  - b. Non-uniformed Personnel - Plainclothes personnel, while on duty, will carry the badge. When engaged in any duties where official recognition is necessary, the badge will be clearly displayed.

2. Employees or other occupants must have their Sheriff's Office identification cards prominently displayed in a plastic holder about their person while inside the security perimeter of the Sheriff's Headquarters building.

3. While in the course of their official duties, members of this department are required to provide their names and badge numbers to any member of the public upon request.
4. Sheriff's Office badges and identification cards are issued as a means of official identification only and are not to be used for unofficial purposes.

**D. FLAT BADGES**

1. If a sworn staff member of the Sheriff's Office wishes to purchase his or her own flat badge, an authorization for such purchase must be obtained from the Sheriff's Support Services Division.
2. If a member purchases a flat badge, it must be of the same design and bear the same rank as the member's duty badge. It is the responsibility of the member to insure that the flat badge displays the member's current rank. The flat badge shall be mounted in a leather case with a pocket for the member's Sheriff's Identification card. The case shall be made in such a manner as to allow the cover flap to be folded back and tucked into a pocket thus displaying the badge in plain view. Flat badges are not authorized for use with the uniform.
3. Retired sworn staff members may be issued a retirement flat badge. See "Retirement Policy", for details and exceptions.

**E. LOST OR STOLEN BADGES AND/OR IDENTIFICATION CARDS**

1. If any member loses his or her department issued badge, they must:
  - a. Submit an Employee's Report describing the circumstances surrounding the loss via the chain of command.
  - b. Notify their immediate supervisor as soon as possible, but no later than their next work day.
  - c. Provide a copy of their Employee's Report to the Sheriff's Support Services Division, who shall issue a loaner badge and order a replacement. A copy of the report shall be placed in the employee's personnel file.
  - d. Members who lose their badge off-duty will be responsible for replacement costs.

2. If any member has his or her badge stolen, they must:
  - a. Contact the police agency having jurisdiction where the theft occurred and have an incident report completed, reflecting the nature and circumstances of the theft.
  - b. Submit an Employee's Report describing the circumstances surrounding the theft, referencing the police agency's report by number.
  - c. Notify their immediate supervisor as soon as possible, but no later than their next work day.
  - d. Provide a copy of their Employee's Report to Sheriff's Support Services Division, who shall issue a loaner badge and order a replacement. A copy of the report shall be placed in the employee's personnel file.
3. If any member has his or her Sheriff's Office identification card lost or stolen, they must:
  - a. Submit an Employee's Report describing the circumstances surrounding the loss via the chain of command.
  - b. Notify their immediate supervisor as soon as possible, but no later than their next work day.
  - c. Provide a copy of their Employee's Report to the Sheriff's Support Services Division, who shall issue a replacement. A copy of the report shall be placed in the employee's personnel file.

**F. RETURN OF BADGES AND IDENTIFICATION CARDS**

1. Members shall return their assigned badges and/or identification cards to the Sheriff's Support Services Division upon:
  - a. Resignation
  - b. Termination
  - c. Retirement
  - d. Promotion

1. Upon promotion to permanent position of higher rank, the employee shall be issued a new badge and/or identification card that reflects his or her new classification.
2. If the employee does not opt to purchase their old badge (see section F below), the rank banner can be changed to reflect the new rank. In those cases, the Sheriff's Support Services Division will issue a loaner badge and arrange to have the banner on the existing badge changed to the new rank.

**e. Administrative Leave and/or Suspension of Peace Officer Powers**

Exception: Sworn staff members placed on routine administrative leave after an officer involved shooting where no misconduct is alleged will not be required to surrender their badge and identification card.

2. Sheriff's Office badge numbers will be "retired" and will not be reissued upon any member's resignation, termination, or retirement.

**G. PURCHASING BADGES**

1. Regular Sheriff's Deputies of all ranks and Sheriff's Correctional Officers may be allowed to purchase their Sheriff's Office issued badge upon written request only under the following circumstances:
  - a. Upon promotion to a higher rank in the Sheriff's Office.
  - b. Upon an honorable service or disability retirement, excluding a non-industrial disability retirement.
2. Reserve Deputy Sheriffs may be allowed to purchase their Sheriff's Office issued badge upon written request only under the following circumstances:
  - a. Upon promotion to a full time Deputy Sheriff position with our department.
  - b. Upon an honorable retirement (or medical retirement if such disability was incurred while in the course of duties with our department), with:
    1. At least ten years of service.
    2. Fulfillment of their hours of service obligations in a competent manner on a consistent basis.



3. The review and recommended approval of the Reserve Coordinator.
3. Any sworn staff member who resigns or is terminated will not be allowed to purchase his or her badge.
4. All badge purchases, including any exceptions to the above badge purchase criteria, must be approved by the Undersheriff or his designee (executive level review).



**LAURIE SMITH**  
**SHERIFF**



**PUBLICATION AND USE OF SHERIFF'S OFFICE NAME AND LOGO  
GENERAL ORDER #6.01**

Adopted: 07/07/2010  
Replaces: G.O.#6.01 dated 4/15/08

Updated:  
Reviewed: 02/22/2010

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**PROCEDURE**

All material bearing the name of the Sheriff or the Sheriff's Office or bearing the identifying logos of the Sheriff's Office shall be reviewed for conformity to policy by the affected division captain before distribution.

All material for publication in journals, magazines or newspapers that identifies the author as a member of the Sheriff's Office shall be reviewed by the writer's division commanding officer for conformity to policy. The finalized draft will be forwarded to the Sheriff for review before submission for publication.

Nothing in this order is intended to prohibit the submission of materials for publication. This order does not apply to material in which the author specifically states that the views expressed are personal and do not necessarily represent the policy or policies of the Santa Clara County Sheriff's Office.

No employee shall use Sheriff's Office letterhead stationary for personal correspondence. Correspondence on Sheriff's Office letterhead will utilize office stationary, not a computer generated letter format. The following is the format for Sheriff's Office correspondence:

(see next page)

Date

(4 spaces)

Name and address

(2 spaces)

Dear \_\_\_\_\_:

(2 spaces)

[Body of letter]

(2 spaces)

Sincerely,

(2 spaces)

LAURIE SMITH, Sheriff

(4 spaces)

By: [Name of person signing letter]

(2 spaces)

LS:[initials of person drafting letter ( in UPPER case)]:[initials of person typing letter (in lower case) initials in type size 10 or smaller]

A handwritten signature in cursive script that reads "Laurie Smith".

**LAURIE SMITH  
SHERIFF**



## **RESPONSIBILITY FOR COUNTY PROPERTY GENERAL ORDER #7.00**

Adopted: 07/07/2010  
Replaces: G.O. #7.00 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

The Sheriff's Office may issue certain equipment to their personnel that remains the property of the Sheriff's Office. All employees of the Sheriff's Office shall maintain the property issued to them in a responsible manner.

### **PROCEDURE**

- A. The Sheriff's Office may issue certain equipment to employees that remains the property of the Sheriff's Office. Such equipment for sworn personnel includes, but is not limited to: the Sheriff's badge, identification card, firearm, belt, handcuffs, handcuff case, holster, ammunition holders, protective vest, key strap, keys, baton, baton holder, chemical agent, chemical agent holder, laptop computer, hat-piece, pack set radio, pager, crowd control helmet and bag, rain gear, and cellular phone.
- B. The Sheriff's Office may issue certain equipment to non-sworn personnel that remains the property of the Sheriff's Office.
- C. The Support Services Division will conduct an annual self-audit of Sheriff's Office fixed assets assigned to Sheriff's Office personnel. Employees shall respond to the self-audit in an accurate and timely manner.
- D. When an employee loses issued equipment, damages issued equipment or uniforms beyond repair, or recovers issued equipment, he or she will submit an Employee's Report (ER) to his or her division captain, via the chain of command, describing the property and the circumstances under which it was lost, stolen, damaged, or recovered, and whether the employee requests reimbursement. The division captain will forward the report to the Support Services Division, with a recommendation regarding replacement of the lost, stolen or damaged item. If the report describes recovered property, the property

also will be forwarded to the Support Services Division. If a crime report has been prepared by the Sheriff's Office or by another agency, a copy will be attached to the ER.

- E. When an employee requests reimbursement for damaged equipment or uniform, the employee will present the damaged item to the Support Services Division, which will retain and dispose of the item. The Human Resources Division will determine whether the item is damaged beyond repair before it will authorize reimbursement. Once the Support Services Division has determined that the item is damaged beyond repair, the employee seeking reimbursement must purchase the replacement item and forward the original receipt and the ER requesting reimbursement to the personnel manager at the Support Services Division for approval and processing.
- F. The Support Services Division will arrange for replacement items to be issued to the employee. If the property was lost or stolen through no fault of the employee, the Sheriff's Office shall indemnify the employee. If the property was lost or damaged beyond repair because of carelessness or negligence, the employee may be subject to disciplinary action. It is the responsibility of the Human Resources Division to make a determination of whether or not the employee was careless or negligent.
- G. If lost or stolen issued equipment is subsequently recovered in serviceable condition, the employee must return any reissued property to the Support Services Division and keep the recovered property. If the employee has purchased the reissued property, the employee may apply for reimbursement from the Human Resources Division, which will determine whether reimbursement will be provided and what will be the amount of any reimbursement provided.
- H. While this order primarily addresses equipment that is issued to Sheriff's personnel, it does not negate the responsibility for all Sheriff's employees to maintain and properly care for all County equipment that is used in the normal day to day operation of the Sheriff's Office. When equipment is damaged, missing or in need of repair, the employee noticing the problem shall immediately notify their supervisor as well as document the problem on an Employee's Report.



**LAURIE SMITH**  
**SHERIFF**



## **USE OF COUNTY FUNDS, CREDIT CARDS, AND CELLULAR PHONES GENERAL ORDER #7.01**

Adopted: 07/07/2010

Replaces: G.O. #7.01 dated 1/10/02

Reviewed: 02/22/2010

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### **POLICY**

All employees and volunteers of the Sheriff's Office shall use advanced County funds, County credit cards, and County cellular phones for official Sheriff's Office business only and will make a full and complete accounting of their use.

### **PROCEDURE**

#### **A. ADVANCED COUNTY FUNDS**

1. All persons receiving advanced County funds for prisoner transportation, conventions, training, meetings, or any other purpose, will make a full and complete accounting for these funds to the Support Services Division on or before the second business day following their return. This accounting includes the filing of travel expense sheets, and turning in all receipts, vouchers, and unexpended funds.
2. Any person receiving advanced County funds is responsible for notifying the Support Services Division of any cancellation of the planned expenditure. Upon cancellation, all funds shall be returned to the Support Services Division without delay.
3. Any person receiving advanced County funds for use in the investigation of criminal cases shall, on or before the second business day following their expenditure, prepare a receipt noting the reason for the expenditure, the case number, and the amount. All funds over the amount of the expenditure will be returned at that time. A copy of the receipt also shall be provided to the person's supervisor.

**B. CREDIT CARD USE**

1. Credit cards are intended for emergency use only and prior to use, permission must be obtained by the employee from his or her immediate supervisor; however, an employee may use a Sheriff's Office credit card with permission of his or her immediate supervisor when operating a vehicle out-of-county or when operating a vehicle as part of an emergency operation acknowledged by the appropriate command staff.
2. Upon completion of his or her shift, any employee having received permission for emergency use of a credit card shall submit, via memorandum through the chain-of-command to the appropriate Commander, the reasons for such emergency use.
3. All employees are expected to exercise good judgment in the use of Sheriff's Office credit cards, and every effort should be made to obtain only that amount of fuel reasonably required to reach a County-source fuel supply.
4. County credit cards shall not be used for personal business or personal use for any reason.

**C. COUNTY CELLULAR PHONE USE**

1. Cellular telephone calls on County cellular phones should be limited to circumstances when reasonable and timely access to conventional telephone services is not available.
2. Personal telephone calls from County cellular phones should only be made when necessary. Any employee making a personal call from a cellular telephone must reimburse the Sheriff's Office for the call. This reimbursement will be based on the information provided on the monthly telephone bills for the phone. Checks for reimbursement shall be paid to Santa Clara County and shall be routed to the Administrative Services Division.
3. All personnel utilizing cell phones while operating any Sheriff's Office vehicle, whether the cell phone is department issued or personal shall utilize a hands-free communication device. For the purpose of this order, hands-free devices are defined as speaker-phone, earpiece or headset.



**LAURIE SMITH  
SHERIFF**



## **USE OF SHERIFF'S OFFICE COMPUTERS GENERAL ORDER #7.03**

Adopted: 07/07/2010  
Replaces: Order dated 01/10/02

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

Employees of the Sheriff's Office shall adhere to the guidelines set forth in the County "CLARAnet User Responsibility Statement" as well as the County policies on Internet and E-Mail use. Employees of the Sheriff's Office shall observe all laws, agreements, and policies regarding the confidentiality of information obtained by use of Sheriff's Office computers and computer equipment.

### **PROCEDURE**

#### **A. USE OF COMPUTERS AND COMPUTER EQUIPMENT**

1. This Order is applicable to the use of computers and computer equipment owned or operated by the County of Santa Clara that have access to any of the systems operated by the Sheriff's Office for law enforcement or other official Sheriff's Office purpose.
2. The Sheriff's Office Director of Information Systems is the system data and security administrator for the Sheriff's Office. The Director of Information Systems is responsible for issuing all Sheriff's Office computers and computer equipment.
3. Only personnel of the Information Systems Division are authorized to move or relocate desktop computers and associated computer equipment.
4. Computers will only contain software and menus authorized and installed by the Information Systems Division or their designee. An employee who wishes to add or delete software or to have the standard menu altered for any reason shall obtain



approval from his or her division captain and shall submit a request form to the Director of Information Systems for action.

5. Purchases of any Sheriff's Office computers, computer equipment, and software must be authorized and approved by the Director of Information Systems.
6. Sheriff's Office employees will respect the confidentiality and sensitivity of information held in Sheriff's Office computers and will only disclose information to persons who have a legitimate need for it and who are authorized to receive it.
7. Periodic physical audits and virus scans of computer equipment may be conducted by the Director of Information Systems.
8. Games shall not be operated on County owned equipment.
9. Remote access to Sheriff's Office computing equipment must be authorized in advance by the Director of Information Systems.
10. No dialup modems may be attached to County owned equipment without authorization from the Director of Information Services.
11. Notwithstanding the procedures established by this Order, a division captain may request authorization to maintain a non-network-supported data system with a custom architecture. A division captain who wishes to maintain such a system will obtain approval from his or her Bureau Assistant Sheriff. The division captain shall assume responsibility for monitoring, maintaining, and supporting such a system, including file backup and recovery as well as determining the uses and procedures for that system.

**B. RESPONSIBILITIES FOR LAPTOP COMPUTERS**

1. Each laptop user is responsible for:
  - a. Completing a training course on the laptop computer before using it.
  - b. Following the training course's prescribed care and use for the laptop.
  - c. Getting upgrades installed as they become available.
  - d. Not adding personal software.
  - e. Promptly notifying Information Systems of non-working software or hardware.

- f. Using only the password issued by Information Systems to secure the laptop and its applications. \*This is the same password that is used to upload and download reports.
        - g. Regularly backing up data to disk.
- 2. Each Division Captain is responsible for:
  - a. Maintaining a current list of all laptops by asset number and current user name.
  - b. Arranging for the delivery and pick up of laptops to Information Systems for repair or replacement.
  - c. Assigning an individual to provide prompt upgrades or reinstallation of software to users.
  - d. Insuring compliance with this General Order.
- 3. Information Systems is responsible for:
  - a. Providing a training course for the use and care of the laptop.
  - b. Backing up all uploaded reports.
  - c. Returning replacement/repaired systems with original software only – NO USER’S DATA.
  - d. Deploying upgraded software.
  - e. Maintaining a record of each laptop by division, current user, and software inventory.
  - f. Performing periodic audits of laptops to determine or detect:
    - 1. the upgrade version.
    - 2. any non-working software or hardware.
    - 3. any virus infection.
    - 4. any unauthorized software.
- 4. Information Systems is responsible for:

- a. Inventory maintenance – Annual:
  - 1. Ensuring that all laptops/desk top computers are accounted for during the Department Annual Inventory.
  - 2. Conducting periodic inventories of all divisions computer inventory for physical accountability.
- b. Fixed asset disposal:
  - 1. Ensuring that the Fixed Asset Transfer Sheet(s) are filled out properly with the proper “to” and “from” information including condition code.
  - 2. Making arrangements to pick up property to be disposed of.
  - 3. Taking the necessary steps to prepare property for disposal, if applicable to that particular item.
  - 4. Taking the property to Property Disposal and distributing the paperwork to the proper parties.
- c. Returns and exchanges through Patrol Operations:
  - 1. Issuing spare laptops to Patrol Deputies when their assigned laptop is turned in for repair.
  - 2. Ensuring that the proper paperwork is completed for the exchange of laptops.
  - 3. Maintaining a spare (loaner) pool of laptops for repair exchange only in a secured location within Patrol Operations’ work area. In addition, Patrol Operations will be responsible for the accurate completion of Issuance of a Loaner Laptop paperwork. See attached form.

**C. USE OF THE SANTA CLARA COUNTY WIDE AREA NETWORK (“CLARAnet”)**

- 1. Santa Clara County maintains a computer wide-area-network for electronic communication within the various County departments. This network, known as “CLARAnet,” includes the County electronic mail system.

2. Sheriff's Office personnel who are authorized to use CLARAnet shall review and sign the County "Employee/Contractor Responsibility Statement" prior to using the network. All Sheriff's Office personnel shall obey the guidelines set forth in the County "CLARAnet User Responsibility Statement". This includes, but is not limited to, the use of the Internet and the use of E-Mail.
3. The Sheriff's Office may initiate disciplinary action for inappropriate or offensive use of the systems. Inappropriate or offensive use of the systems includes, but is not limited to: sexually explicit images, messages, or preferences; ethnic or racial slurs; religious messages; betting pools; chain letters.
4. Sheriff's Office personnel using the network shall log off from the system upon completion of use.
5. Sheriff's Office personnel using the network shall not access or attempt to access systems or data to which the user is not authorized. No Sheriff's Office employee shall use the network, its system, or its data for:
  - a. personal profit for himself or herself or for any other person;
  - b. unlawful or illegal activities;
  - c. creation or dissemination of harassing or demeaning statements towards any individual or group as defined in the Merit System Rules, the County Policy on Sexual Harassment, or any other relevant Sheriff's Office Order or procedure, or County ordinance, code, or policy.
6. Sheriff's Office personnel using the network should protect the security of their individual password.
7. All Internet access at the Sheriff's Office is logged and monitored at the County firewall.

**D. INTERNET USE FROM SHERIFF'S OFFICE COMPUTERS**

1. Access to the Internet is provided as a business tool, however, its reasonable, incidental use for personal purposes is acceptable, so long as such use does not interfere with performance of work duties or the operation of County information systems.
2. No Sheriff's Office employee shall use the network, its system, or its data for:
  - a. personal profit for himself or herself or for any other person;

- b. unlawful or illegal activities;
- c. creation or dissemination of harassing or demeaning statements towards any individual or group as defined in the Merit System Rules, the County Policy on Sexual Harassment, or any other relevant Sheriff's Office Order or procedure, or County ordinance, code, or policy.

**E. E-MAIL USE FROM SHERIFF'S OFFICE COMPUTERS**

1. Access to E-Mail is provided as a business tool, however, its reasonable, incidental use for personal purposes is acceptable, so long as such use does not interfere with performance of work duties or the operation of County information systems.
2. No Sheriff's Office employee shall use E-Mail, its system, or its data for:
  - a. personal profit for himself or herself or for any other person;
  - b. unlawful or illegal activities;
  - d. creation or dissemination of harassing or demeaning statements towards any individual or group as defined in the Merit System Rules, the County Policy on Sexual Harassment, or any other relevant Sheriff's Office Order or procedure, or County ordinance, code, or policy.
3. County electronic mail systems and messages are not private. They remain the property of the County of Santa Clara. The County reserves the right to monitor the use of its electronic mail systems.
4. The Sheriff's Office may initiate disciplinary action for inappropriate or offensive use of the systems. Inappropriate or offensive use of the systems includes, but is not limited to: sexually explicit images, messages, or preferences; ethnic or racial slurs; religious messages; betting pools; chain letters.



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**LAURIE SMITH**  
**SHERIFF**



## **EMPLOYEE TRANSFERS GENERAL ORDER #8.00**

Adopted: 07/07/2010  
Replaces: G.O. 8.00 dated 12/01/2009

Updated:  
Reviewed: 02/22/2010

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### **POLICY**

The Sheriff recognizes the needs of the department, as well as the needs of the community and the individual employee when considering the transfer of badge personnel. In making transfer decisions, the Sheriff's Office shall primarily consider seniority. If not seniority based, the Sheriff's Office may consider the needs of the department and other merit based factors, including but not limited to, the employee's performance, productivity, career development and technical skills. Merit, as used in this General Order, is defined as work performance that enhances the department and public safety in the community. Employees' assignment preferences may be considered as well. Assignment to and continued retention in any division, unit, assignment, or team shall be based on merit and performance. This policy applies to Sheriff's deputies and sergeants only. The Sheriff reserves the right of final approval on all transfers.

It is recognized that experience in a number of organizational units and specialized assignments is desirable for a deputy's or a sergeant's career development. It is intended that deputies and sergeants have the opportunity to apply and be selected for such specialized assignments. However, the Sheriff's Office retains all rights, powers, and authority granted to it by Memorandum of Understanding or which it has pursuant to law or other provisions by the County Charter and Merit System Rules. These rights include, but are not limited to: the needs of the Department; the right to direct the work force; the right to increase, decrease, or reassign the work force; the right to hire, promote, demote, discharge or discipline for cause; the right to reclassify employees; the right to provide merit increases; the right to assign employees overtime and special work requirements; and the right to determine the necessary merits, mission, and organization of any service or activity of the County, any County department, agency, or unit.

If a deputy or sergeant is removed from a special team or assignment or is transferred for punitive reasons and it results in a reduction or loss of salary, any request for an administrative appeal will be granted. "Salary" does not include assignment differentials.

## **PROCEDURE**

### **A. ANNUAL DIVISION TRANSFERS**

1. The Transfer Committee will meet once per year during the first part of November.
2. The Sheriff's Office Personnel and Training Division will post a "Transfer Notice" approximately sixty days prior to the date of the annual Transfer Board meeting.
3. The Personnel and Training Division must receive all annual transfer requests by the first Wednesday in October.
4. Transfers will take effect on the same day that the department's annual shift assignment schedule takes effect, unless otherwise specified.
5. Transfer requests will remain on file for one year from the date of receipt or until the next annual transfer and may be used for interim transfers. Any employee who does not wish to be considered for interim transfers should rescind their request in writing and submit it to the Personnel and Training Division.
6. The Transfer Committee shall consist of all Sheriff's Office Captains, the Lieutenant from Civil/Warrant Division, HR Manager and three representatives from the DSA Board as selected by the DSA President. In the absence of a division Captain, the division Lieutenant will serve as the designee. This committee will review all transfer requests and the needs of each division and make their recommendations. These recommendations along with the original transfer requests will be forwarded to the Sheriff's Executive Command staff for final determination of transfers. The Undersheriff will have approval authority on all transfers.
7. Transfer Request Form
  - a. Employees who submit a Divisional Transfer Request form may designate up to three choices for assignment in order of preference. The employee will be considered for assignment in the order as listed on the request.
  - b. Employees may include, but are not limited to, the following materials when submitting their transfer request: A resume, supervisor's recommendation letter, specific training or class certificates, or notice of special needs.

- c. Written reasons for transfer denials will be provided upon request by the employee.

**B. ASSIGNMENT TRANSFER ELIGIBILITY**

1. Involuntary Transfers: Any employee with three or more consecutive years of service in any one division may be subject to involuntary transfer, absent a specialized assignment or authorized extension.
  - a. When an employee becomes eligible for involuntary transfer, he or she can be transferred without a transfer request if an eligible deputy or sergeant requests transfer into that division.
  - b. The employee involuntarily transferred without a request will be assigned to whatever division has a vacancy.
  - c. Involuntary transfers for annual transfers shall be based on seniority within the division. The most senior (time in division) employee shall be transferred first, unless an exemption has been granted.

Exception: Interim administrative transfers from one division to another in order to fill vacancies shall be accomplished on a voluntary basis if possible. If there are no volunteers, the least senior deputy off of training shall be transferred first.

Note: Time in any patrol division (West Valley Patrol, Headquarters Patrol, Transit Patrol, Parks Patrol) is cumulative for involuntary transfer purposes. Thus, employees with the most consecutive time in patrol shall be subject to transfer first should someone from a non-patrol division desire transfer into a patrol division.

- d. When more than one employee is being considered for involuntary transfer from the same division or unit, and those employees being considered were assigned to the division or unit on the same date, the person with the least seniority in rank will be transferred first.
- e. Newly hired deputies requiring field training in patrol may be subject to involuntary transfer at any time based upon available openings in the F.T.O. Program.
- f. All due consideration will be given to employees who are attending college or continuing education classes so as not to interrupt class attendance in mid-semester. To receive such consideration, employees must have submitted the requisite employee's reports to their respective



divisions detailing the class dates and times of attendance per applicable general orders.

2. **Voluntary Transfers:** Anyone having been assigned to a division/unit for a minimum of one year is eligible to request a transfer.
  - a. Once the minimum one-year commitment has been met, voluntary transfer requests will be considered in order of overall seniority in rank, along with other considerations, except for those requesting a transfer to a specialized division, unit, or assignment.
  - b. Employees with less than one year in a division/unit may submit a Transfer Request; however, no transfer will be forced as a result of that employee's request.
  - c. Contract assignments may require a minimum commitment longer than one year. Employees assigned to such assignments who desire a transfer prior to the expiration of his or her commitment date shall be required to obtain a waiver of that commitment from the affected division Captain prior to acceptance of his or her transfer request.

**C. EFFECTIVE START DATE FOR DETERMINATION OF SENIORITY**

1. The effective assignment seniority date will be the actual date that an employee was assigned to his or her division or assignment
2. All consecutive patrol time, including West Valley Patrol, Headquarters Patrol, Transit Patrol, and Parks Patrol will be cumulative for the purpose of determining effective start date for "date in patrol" purposes.
3. West Valley Patrol, Headquarters Patrol, Transit Patrol, and Parks Patrol will be treated as separate divisions for transfer requests within the Field Enforcement Bureau.
4. Adjustments to "date in division" and/or "date in patrol" shall be made whenever an employee returns to the same division after an absence of less than twelve months. Such absences, including "on-loan" assignments, shall be considered temporary assignments and shall not be counted as time in division nor shall time in division for the original assignment be started over. The original assignment's "date in division" shall be adjusted for that period of time spent in the temporary assignment. The Undersheriff may make exceptions and grant employees a full year's credit for time served in another division should needs of the department require an employee's transfer prior to serving one full year in his or her present assignment.

5. Any temporary assignments lasting in excess of twelve months shall be considered a permanent transfer for the purposes of establishing time in division and "date in division" and/or "date in patrol" shall be started over upon the employee's return to his or her previous assignment.
6. Employees who are temporarily disabled due to injury or illness (on-duty and off) and are unable to return to work for a period of thirty calendar days or more may be transferred to the Personnel and Training Division on a temporary basis pending their return to duty. This temporary transfer shall have the effect of adjusting the employee's "date in division" and/or "date in patrol" as described in section C.4. above.

**D. FIELD ENFORCEMENT ASSIGNMENTS**

1. Any Deputy Sheriff requesting transfer to patrol for the first time, if granted, shall be initially assigned to the Field Training Program. Upon successful completion of the Field Training Program, an employee may be transferred to any division vacancy until the next transfer cycle. Any Deputy Sheriff returning to a field enforcement assignment after an absence of over five years shall be required to complete a reorientation or modified Field Training Program through Headquarters Patrol. Any deputy returning to a field enforcement assignment after an absence of less than five years but greater than one year will be evaluated for a need to complete a reorientation Field Training Program.
2. Deputy Sheriffs requesting a transfer to any field enforcement unit as defined below must have completed the Field Training Program and have at least one year of patrol experience within the last five years. Lacking recent patrol experience within the last five years, Deputy Sheriffs will be required to complete a reorientation or modified Field Training Program as indicated above. Field Enforcement units defined:
  - a. Headquarters Patrol
  - b. West Valley Patrol
  - c. Transit Patrol
  - d. Parks Patrol
3. Deputy Sheriffs seeking transfer to Civil/Warrants Division, Investigation Division, or Special Operations must have completed the Field Training Program and have a minimum of three years of patrol experience.

4. Any failure of the Field Training Program may result in immediate transfer, disciplinary action or termination (Probation Release). Once a Deputy Sheriff has failed the Field Training Program, any subsequent requests for transfer to reattempt field training will require the specific approval of the Field Enforcement Assistant Sheriff.

**E. NON-FIELD ENFORCEMENT ASSIGNMENTS**

1. Non-Field Enforcement assignments include the following:
  - a. Jail Administration (Inclusive of Transportation, Main Jail and Elmwood)
  - b. Court Service Division
  - c. Personnel and Training
2. A deputy or sergeant wishing to return to a previously assigned field enforcement assignment or to move to a third enforcement assignment, must first complete a minimum of one year in a non-field enforcement assignment. This section (E.2) may be waived in order to meet specific needs, with a limit of a one time waiver.

**F. SPECIALIZED TEAMS, ASSIGNMENTS, AND UNITS**

1. **SPECIALIZED TEAM** - Assignment to any special team will be determined by the process outlined by the team's command staff and with the approval of the Undersheriff. Maximum duration of assignment to these teams shall be subject to performance review by the appropriate team's command staff. Any Special Team member who does not meet the minimum performance and/or training requirements on an on-going basis is subject to removal from that team.
  - a. Assignment to any Special Team is allowed in conjunction with or in addition to assignment to any division, unit, or assignment provided there is no inherent conflict.
2. **SPECIALIZED ASSIGNMENT** - The division command staff will determine what qualifications are required for a specialized assignment within their divisions. When an opening is available, notification of the opening will be sent out as well as the requirements for the position. Selection to a special assignment within a division will be made by the division command staff with the approval from the affected bureau Assistant Sheriff.
3. **SPECIALIZED UNIT** - The Undersheriff will make final selection for those individuals assigned to a specialized unit.

**G. RETIREMENT TRANSFER EXEMPTIONS**

1. Prior to each Transfer Board, and only for consideration during the annual transfer period, any eligible employee may request a one-time exemption from an involuntary transfer and may request to stay in the division to which he or she is presently assigned if he or she:
  - a. Has at least 25 years of service and is at least 49 years of age.
  - b. Will retire by the end of the next calendar year.
  - c. Has completed the "Retirement Transfer Exemption" form declaring his or her intent to retire by the end of the next calendar year.
  - d. Is performing at or above a competent level in his or her present assignment.
2. The exemption form must be approved and signed by the employee's division Captain and then forwarded to Personnel and Training. The request will then be forwarded to the Undersheriff for final review.
3. If a Deputy or Sergeant is granted a retirement transfer exemption and then elects not to retire, he or she shall be subject to immediate transfer and is not eligible for any further retirement transfer exemptions.

**H. ADMINISTRATIVE TRANSFERS**

1. Administrative transfers may occur independent of the scheduled transfer committee in the event that there is a departmental or employee need. A transfer may be requested or made for, but not limited to, the following needs of the department: discipline, recognition, performance, medical, special needs, reorganization, or to fill a vacancy. The Undersheriff will review each request and determine if that request will be approved, modified, or denied.
2. The Assistant Sheriffs are responsible for the initial review of administrative transfer requests, conveying the requests to the Undersheriff and forwarding it to Personnel and Training Division for implementation.
3. Individual employees may also request an administrative transfer:
  - a. Any employee may request an administrative transfer for legitimate personal needs.
  - b. The employee must submit an employee's report detailing the rationale for such transfer via his or her chain of command.

- c. An "Administrative Transfer Request" form detailing the employee's need for the transfer will be initiated by the effected division. The request will then be forwarded with recommendations to the Assistant Sheriff in charge of the affected bureau for final review.
- d. If approved, the request form will be forwarded to the Personnel and Training Division for implementation.
- e. The Personnel and Training Division will notify the employee of the decision and the particulars of any approved transfers.
- f. If an administrative transfer creates a vacancy, it will be filled from an existing list or by application process.

**I. NOTICE OF DIVISIONAL CHANGE**

Transfers will adhere with section 6.10 of the Memorandum of Understanding.

**J. TRANSFER RIGHTS**

Nothing in this policy shall preclude the right of the Sheriff, or designee, to institute or deny a transfer of any employee.

**K. POLICY REVIEW**

This policy will be reviewed annually within 30 days of the annual transfer meeting. The committee will be selected by the Sheriff to include representatives as selected by the Deputy Sheriffs' Association.

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**LAURIE SMITH**  
**SHERIFF**



## **EMPLOYEE PROMOTION GENERAL ORDER #8.01**

Adopted: 07/07/2010

Replaces: G.O. # 8.01 dated 1/10/02

Reviewed: 02/22/2010

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### **PROCEDURE**

#### **A. PROMOTION OF SERGEANTS**

##### **1. Eligibility.**

##### **a.. Service Requirement:**

All deputy sheriffs who are currently employed by the Sheriff's Office, and who have served the immediate past three years of service in the Sheriff's Office, are eligible to apply if they meet the other basic requirements listed below.

##### **b. Basic Requirements**

The following Basic Requirements must be met at the time of application for promotion by any candidate before applying for promotion:

- 1. Completion of Field Training program.**
- 2. One continuous year of Patrol Duty in the Santa Clara Sheriff's Office (shall have included FTO. By January 1, 2000, the requirement shall be three years of patrol duty at a POST approved law enforcement agency within the candidate's career.)**
- 3. An Intermediate POST Certificate**
- 4. Current qualification in Range, First Aid, And CPR**

5. AA degree or 60 college units from a college accredited by the regional accrediting agency. (Until January 1, 2000, candidates who do not have 60 units or the AA degree will be allowed to apply. Candidates who already hold the degree will receive credit in their Evaluation Oral Board.)

## 2. Application Process

Every candidate who wishes to apply for promotion' shall complete an application form required by the county, and submit a Resume, and a Application Supplemental Statement..

- a. The resume should contain name, career objectives, both short term and long term, current assignment, and time in service with the Sheriff's Office, formal college education, specialized law enforcement training, community involvement, supervision experience, program development, special projects, special assignments, awards and honors.
- b. Supplemental Statement

The Administrative Services Division shall prepare a list of Critical Issues facing the Office and shall prepare a set of guidelines for responding to those issues. Candidates shall submit a statement, not to exceed five pages double spaced, that responds to one of the Critical Issues. This statement will be evaluated along with all the other material in the candidate's Resume.

## 3. Written Examination.

Every candidate shall take a written examination. The test is to be selected and/or constructed by a committee composed of representatives from the Sheriff's Office administration and the county personnel department. Part of the test may be standardized material applicable to any law enforcement agency, while other material may be customized to the unique needs of the Sheriff's Office. Administrative Services may prepare a suggested reading list, or take other steps to help candidates prepare for the exams. Any test that deals with general law enforcement issues (as distinct from local Sheriff's Office unique issues) shall be obtained from a POST-approved outside vendor. The test shall be administered and graded by the county personnel department. After the exam, the county personnel department shall rank order the exam results and establish a cut-off point that will produce a pool of "passing" candidates. Candidates who are ranked above the cut off point may proceed to other aspects of the promotion process. Others may not.

**4. Evaluation Oral Board**

**a. Evaluation Oral Board Process**

1. If they pass a written test, candidates shall then appear before the Evaluation Oral Board for a discussion of their Resumes and their Application Supplemental Statement. The Evaluation Oral Board will then prepare a report on candidates, rating all the Resume contents and the oral presentation.

2. Composition of the Evaluation Oral Board

The Evaluation Board shall consist of internal people from the Sheriff's Office selected by the administration unless otherwise noted, and shall consist of: the Undersheriff or a Commander, a Captain, a Lieutenant, a representative of the County Personnel Department, and a person mutually agreed upon by the administration and the DSA, who shall hold a rank at least as high as the rank being tested.

**5. External Oral Board.**

**a. Oral Board Processes**

Candidates shall appear before an external Oral Board. The Board shall assign each candidate a score between 1 and 100.

**b. Construction of Oral Exam**

The test is to be selected and/or constructed by a committee composed of representatives from the Sheriff's Office and the county personnel department. Part of the test may be standardized material applicable to any law enforcement agency, while other material may be customized to the unique needs of the Sheriff's Office.

**c. Composition of the Oral Board**

Oral Board shall be composed of people who are not members of Sheriff's Office, selected by the administration unless otherwise noted, and shall consist of: a Captain, or equivalent rank, a Lieutenant, or equivalent rank, a representative of the County Personnel Department, two representatives from the Santa Clara county community, mutually agreed upon by the administration and the DSA.

**6. Final Selection Process**



- a. Percentage weights of the various examination stages:

ITEM	WEIGHT
Written Exam	30%
Evaluation Oral Board	40%
Outside Oral Board	30%
Total weights	100%

- b. Eligible Pool

Based on the entire process, the candidates will be rank ordered by the County Personnel Department.

- c. Selection for actual promotions from the pool

The Sheriff shall select persons from the pool, using the "Rule of Seven" in her/his choice. The Rule of Seven, a Santa Clara County mandate, allows an executive to pick anyone from the seven highest ranked candidates for the job, and this selection need not be the highest ranked individuals. When multiple promotions are to be made, six candidates are added to the number of promotions to be made to compose the pool. (Examples: if one promotion is needed, the Sheriff can select from the top seven candidates; if three promotions are needed, then the Sheriff can select from the first nine ranked candidates; if five promotions are needed the Sheriff can select from, the top eleven candidates.)

- d. Use of Personnel File in Final Selection

The Sheriff is encouraged to consider the candidate's personnel file in making final selections. Matters such as sick leave, disciplinary actions, and other issues will be considered.

## **B. PROMOTION OF LIEUTENANTS**

1. Eligibility.

- a.. Service Requirement:

All individuals who have served the required time in rank of sergeant in the Santa Clara Sheriff's Office are eligible to apply if they meet the other basic requirements listed below.

- b. Basic Requirements

The following Basic Requirements must be met by any candidate before applying for promotion:

1. Qualified for and applied for POST Supervisory Certification.
2. Qualified for and applied for an Advanced POST Certificate
3. Current qualification in Range, First Aid, And CPR
4. As of January 1, 2000, 90 college units from a college or university accredited by the regional accrediting agency, are required to apply. As of January 1, 2002, a Bachelor's degree from a regionally accredited college or university is required to apply. Candidates with current college work will be given credit at the Evaluation Oral Board.

**2. Application Process**

Every candidate who wishes to apply for promotion shall complete an application form required by the county, and submit a Resume, and an Application Supplemental Statement..

- a. The resume should contain name, career objectives, both short term and long term, current assignment, and time in service with the Sheriff's Office, formal college education, specialized law enforcement training, community involvement, supervision experience, program development, special projects, special assignments, awards and honors.

**b. Supplemental Statement**

The Administrative Services Division shall prepare a list of Critical Issues facing the Office and shall prepare a set of guidelines for responding to those issues. Candidates shall submit a statement, not to exceed five pages double spaced, that responds to one of the Critical Issues. This statement will be evaluated along with all the other material in the candidate's Resume.

**3. Evaluation Oral Board**

**a. Evaluation Oral Board Process**

Candidates shall appear before the Evaluation Oral Board for a discussion of their Resumes and their Application Supplemental Statement. The Evaluation Oral Board will then prepare a report on candidates, rating all the Resume contents and the oral presentation.

1. Composition of the Evaluation Oral Board

The Evaluation Board shall consist of internal people from the Sheriff's Office selected by the administration unless otherwise noted, and shall consist of: the Undersheriff or a Commander, a Captain, a Lieutenant, a representative of the County Personnel Department, and a person mutually agreed upon by the administration and the DSA, who shall hold a rank at least as high as the rank being tested.

4. Combined Written and Oral Exam, With External Board.

a. Three Components of the Exam:

A committee composed of people from Administrative Services and the County Personnel Office shall construct the following exam, which shall be in three parts.

1. Written exercise:

A written exercise, based on a critical incident or problem. The candidate will be given the choice of selecting between two different problems, and shall be given one hour to write a plan of action that addresses one of the issues. The written document will be handed to the review panel.

2. Oral defense of written exercise:

The review panel will then conduct an oral which deals directly with the candidates plan of action, as expressed in the written response.

3. Oral response to scenario(s):

The review panel will then conduct an oral exam on some situational scenario(s).

c. Ranking

The Review Board will rate every candidate from 1 to 100, combining their evaluation of the three components on an equal basis

d. Composition of the Oral Board (Personnel From Outside the Office)

An Undersheriff or Commander, a Captain, a Lieutenant, a representative of the County Personnel Department, two representatives from the Santa Clara county community, mutually agreed upon by the administration and the DSA.

**5. Final Selection Process**

**a. Percentage weights of the various examination stages:**

ITEM	WEIGHT
Evaluation Oral Board	60%
Oral/Written Exam	40%
Total weights	100%

**b. Eligible Pool**

Based on the entire process, the candidates will be rank ordered by the County Personnel Department.

**c. Selection for actual promotions from the pool**

The Sheriff shall select persons from the pool, using the "Rule of Seven" in her/his choice. The Rule of Seven, a Santa Clara County mandate, allows an executive to pick anyone from the seven highest ranked candidates for the job, and this selection need not be the highest ranked individuals. When multiple promotions are to be made, six candidates are added to the number of promotions to be made to compose the pool. (Examples: if one promotion is needed, the Sheriff can select from the top seven candidates; if three promotions are needed, then the Sheriff can select from the first nine ranked candidates; if five promotions are needed the Sheriff can select from, the top 11 candidates.)

**d. Use of Personnel File in Final Selection**

The Sheriff is encouraged to consider the candidate's personnel file in making final selections. Matters such as sick leave, disciplinary actions, and other issues will be considered.

**C. PROMOTION OF CAPTAINS**

**1. Eligibility.**

**a. Service Requirement:**

All individuals who have served the required time in rank of lieutenant in the Santa Clara Sheriff's Office are eligible to apply if they meet the other basic requirements listed below.

**b. Basic Requirements**

The following Basic Requirements must be met by any candidate before applying for promotion:

1. Qualified for and applied for the POST Management Certification
2. Qualified for and applied for an Advanced POST Certificate.
3. Current qualification in Range, First Aid, And CPR
4. As of January 1, 2000, 90 college units or an AA degree from a regionally accredited college or university, are required to apply. As of January 1, 2002, a Bachelor's degree is required to apply. Candidates with current college work will be given credit at the Evaluation Oral Board.

**2. Application Process**

Every candidate who wishes to apply for promotion shall complete an application form required by the county, and submit a Resume, and an Application Supplemental Statement.

- a.** The resume should contain name, career objectives, both short term and long term, current assignment, and time in service with the Sheriff's Office, formal college education, specialized law enforcement training, community involvement, supervision experience, program development, special projects, special assignments, awards and honors.

**b. Supplemental Statement**

The Administrative Services Division shall prepare a list of Critical Issues facing the Office and shall prepare a set of guidelines for responding to those issues. Candidates shall submit a statement, not to exceed five pages double-spaced, that responds to one of the Critical Issues. This statement will be evaluated along with all the other material in the candidate's Resume.

**3. Evaluation Oral Board**

**a. Evaluation Oral Board Process**

Candidates shall appear before the Evaluation Oral Board for a discussion of their Resumes and their Application Supplemental Statement. The Evaluation Oral Board will then prepare a report on candidates, rating all the Resume contents and the oral presentation.

1. Composition of the Evaluation Oral Board

The Evaluation Board shall consist of both external and internal people selected by the administration unless otherwise noted, and shall consist of: the Undersheriff or a Commander, a Captain from outside the Sheriff's Office, an Undersheriff from another office, a representative of the County Personnel Department, and the Director of Administrative Services.

4. Final Selection Process

a. Percentage weights of the various examination stages:

ITEM	WEIGHT
Evaluation Oral Board	100%

b. Eligible Pool

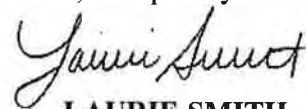
Based on the entire process, the candidates will be rank ordered by the County Personnel Department.

c. Selection for actual promotions from the pool

The Sheriff shall select persons from the pool, using the "Rule of Seven" in her/his choice. The Rule of Seven, a Santa Clara County mandate, allows an executive to pick anyone from the seven highest ranked candidates for the job, and this selection need not be the highest ranked individuals. When multiple promotions are to be made, six candidates are added to the number of promotions to be made to compose the pool. (Examples: if one promotion is needed, the Sheriff can select from the top seven candidates; if three promotions are needed, then the Sheriff can select from the first nine ranked candidates; if five promotions are needed the Sheriff can select from, the top 11 candidates.)

d. Use of Personnel File in Final Selection

The Sheriff is encouraged to consider the candidate's personnel file in making final selections. Matters such as sick leave, disciplinary actions, and other issues will be considered.

  
**LAURIE SMITH**  
**SHERIFF**



## **PERFORMANCE EVALUATIONS GENERAL ORDER #8.02**

Adopted: 07/07/2010  
Replaces: G.O. #8.02 dated 1/10/02

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

Appraising an employee's performance on the job is a sometimes difficult, but always a necessary process. This material has been designed to make the appraisal process as uniform and fair as possible. It has been prepared specifically for supervisors whose duty it is to evaluate employee performance. But equally important, these procedures serve the employee by making the appraisal process clear, constructive and helpful.

### **PROCEDURE**

The instructions are in three sections, which should be reviewed by supervisors engaged in the performance appraisal process. The first section explains when performance appraisals are made, who makes them, and what the step-by-step procedures are. The second section instructs supervisors on how to use and complete all parts of the "Performance Appraisal Report." The third section provides detailed questions (and variations of each) which supervisors might ask themselves as they appraise an employee's performance under the 19 specific "Standard Factors." Supervisors should consult these detailed instructions as often as necessary in order to administer uniformly the process to each employee being appraised.

Again, clear and uniform procedures assist the supervisors and benefit the employee. When employees and supervisors are familiar with the procedures and forms used in the performance appraisal process, the results can be rewarding. By using the uniform "Standard Factors" and suggesting specific, helpful action plans for an employee, a supervisor is able to assist the employee by means of the appraisal process. When employees view the appraisal as a means to help them, they will be motivated to follow through with training or personal attention to performance areas needing improvement. When the appraisal process pinpoints their strengths, the employees can build on their accomplishments and develop an individual program for further improvement and success.

The performance appraisal process developed by the Santa Clara County Sheriff's Office and explained in the following pages, contains features which make the procedure as clear and fair as possible, including but not limited to:

Supervisors' use of a common set of procedures makes the appraisal process uniform, thereby discouraging idiosyncratic and/or biased appraisals.

Command staff, other than the supervisor who prepared it, provide a more thorough review of an employee's Performance Appraisal Report.

The Performance Appraisal Report is discussed in detail providing the employee with specific information about strengths, weaknesses and suggestions for employee action.

The Performance Appraisal Report is designed to provide an employee with clear, objective and measured information. It establishes a document that can be used by both the employee and the supervisor in charting and documenting the employee's overall career development.

The Santa Clara County Sheriff's Office is a large and diverse group of law enforcement professionals. As we serve the community in which we work, we should also be helping our employees develop their skills as much as possible. One long-proven method for this is by improving individual and collective records. The performance appraisal process is an invaluable, in-house tool meant to help employees build on strengths and eliminate weaknesses. Supervisors are asked to use this material carefully and with as much precision as possible, patiently and judiciously assisting all employees in realizing their fullest potential.

## **PERFORMANCE APPRAISAL PROCESS**

The performance appraisal process cannot take place in a vacuum or be satisfied by an appraisal once a year. Performance appraisals require careful observation, assessment of the employee's actions and first-hand knowledge of the employee and the employee's work.

### **A. When Are Appraisals Required**

Annual Performance Appraisal Reports – Appraisals are required annually during the employee's "anniversary month".

Sworn Probationary Personnel – appraisals are required on a quarterly basis through the employee's initial probationary period.

Interim Appraisals – Special or supplemental appraisals may be generated by a supervisor whenever the supervisor believes it to be in the best interest of the employee, supervisor, or department to do so.



## **B. Who Prepares the Appraisal Report**

The appraiser should be the supervisor who is most familiar with the employee's job performance, and may not necessarily be the current and immediate supervisor.

If the employee was assigned to more than one division during the appraisal period, the division to which the employee was assigned for the longest period of time will be responsible for preparing the appraisal report, and supervisory personnel from the other division(s) should be contacted for input.

## **C. The Five Steps of the Appraisal Process**

### **Step One – Research**

- a) The appraiser will conduct research prior to completing the Performance Appraisal Report.
- b) The pre-appraisal research should include, but is not limited to:
  - 1. The nature and duration of the employee's work assignment since the last appraisal.
  - 2. A review of the employee's statistical productivity data.
  - 3. The review of a variety of the employee's criminal and/or administrative reports for composition, accuracy, grammar and thoroughness of action.
  - 4. The review of the employee's Personnel and Division File for Departmental Personnel Reports, commendations, certificates of achievement, sick leave usage, sustained disciplinary actions, etc. Information on Supervisor's Comment Cards will be noted on the appraisal and the card will be destroyed after the appeal period.
  - 5. A personal interview with employee and a review of the employee's pre-appraisal questionnaire to learn of recent accomplishments, goals and other issues relevant to the appraisal.

### **Step Two – The Appraisal**

- a) The appraisal will be based on both the research performed and the appraiser's personal knowledge of the employee.
- b) The appraiser shall evaluate the employee's performance in all of the appropriate STANDARD FACTORS (sections 1-16 for all personnel, sections 17-19 for Supervisory/Management personnel on the Performance Appraisal Report).

- c) Extraordinary circumstances that may have affected the scores in the STANDARD FACTORS should be noted in the COMMENT section (21).
- d) If an employee has been off work for an extended period of time and the supervisors are unable to appraise the performance, no score will be given and the appropriate remarks shall be noted in the COMMENT section (21).
- e) If an employee has accomplished any specific achievements during the appraisal period, these should be noted in the SPECIAL ACHIEVEMENTS section (22). Achievements may include educational accomplishments, awards, certificates, or commendations.
- f) The appraising supervisor shall clearly describe the EMPLOYEE'S STRONGEST POINTS and AREAS FOR IMPROVEMENT (Sections 23 & 24). The descriptions must include facts in support of both the identified strengths and the areas noted for improvement.
- g) The appraising supervisor will draft an ACTION PLAN FOR IMPROVEMENT/DEVELOPMENT (Section 26) based on the STANDARD FACTOR appraisals and the information in Sections 23 & 24.

#### **Step Three – The Staff Appraisal Review *(optional)***

- a) The initial Performance Appraisal Report may be reviewed and discussed with other staff at a supervisors' meeting prior to the appraisal's due date.
- b) Changes in the Performance Appraisal Report that result from the staff discussion may be made at the discretion of the appraiser.

#### **Step Four – The Employee Conference**

- a) A conference will be held between the employee and the appraising supervisor to discuss the Performance Appraisal Report.
- b) The conference should be scheduled in a manner which ensures there is sufficient time for the discussion and that the setting will be free from interruption.
- c) Every aspect of the Performance Appraisal Report should be discussed during the conference. Particular attention should be paid to the EMPLOYEE'S STRONGEST POINTS, AREAS FOR IMPROVEMENT, and the ACTION PLAN FOR IMPROVEMENT/DEVELOPMENT.

- d) The employee will sign the Performance Appraisal Report as an acknowledgment of the discussion, and at the conclusion of the conference will be given a copy. The employee's signature is required, but does not necessarily imply agreement.
- e) Any concerns that are not resolved during the conference may be addressed by the employee in an employee's report to the divisional Captain within five (5) days.
- f) Further appeals will be in keeping with the Memorandum of Understanding and the Public Safety Officers' Procedural Bill of Rights Act.

#### **Step Five – The Routing**

- a) The signed Performance Appraisal Report will be forwarded to the Captain. The Captain will hold the appraisal for a period of ten days, pending appeal. The Captain will sign the report.
- b) A copy will be filed in the employee's division file and the original will be forwarded to the Bureau Assistant Sheriff in accordance with departmental policy.
- c) After the Bureau Assistant Sheriff has reviewed the original appraisal, it will be forwarded to Administrative Services for placement in the employee's personnel file.

#### **D. Performance Appraisal Follow-up**

- a) Meetings will be scheduled with the employee, by the immediate supervisor, at least once every six months between performance appraisals. These meetings will be documented in the division personnel file.
- b) During the meetings, the employee and the supervisor will discuss progress in relation to the ACTION PLAN FOR IMPROVEMENT/DEVELOPMENT.

### **HOW TO COMPLETE THE PERFORMANCE APPRAISAL REPORT**

The performance appraisal factors and standards must be accurately completed.

#### **RANGE, FIRST AID AND CPR**

Enter the most recent dates of qualification or certification. These dates will be gathered from Administrative Service records and forwarded with the appraisal notice.

#### **PERFORMANCE LEVELS**

The appraisal requires the assessment of the employee's performance in specifically defined factors. Each factor is divided into the following performance levels:

UNSATISFACTORY  
BELOW STANDARD  
MEETS STANDARD  
EXCEEDS STANDARD  
OUTSTANDING

### **APPRAISING PERFORMANCE LEVELS**

Employee performance must be appraised in relation to the performance level as defined in each standard factor. The appraiser must carefully read each definition and select the one which best defines the employee's performance in the standard factor being evaluated. Where doubt exists as to which performance level applies, it should be remembered that any employee appraisal is a value judgment, and that the level indicated should be the one, which most nearly describes performance.

After the appraiser has carefully selected the appropriate performance level, an "X" should be marked in the corresponding box.

### **DEFINITIONS OF STANDARD FACTORS**

The following expansion of the definitions for the Standard Factors are intended to stimulate the appraiser's thoughts along a common line, but are not all-inclusive.

#### **1. CARE OF EQUIPMENT**

The extent to which the employee exercises proper operation and maintenance of equipment.

Consider how well the employee uses and cares for county equipment.

Patrol Vehicles  
Hand Radios  
Weapons  
Tape Recorders  
Laptops  
Pagers  
Cell Phones  
Department Manuals

Is the employee's personal equipment in good order?

Leather  
Weapon

Flashlight, etc.

Does the employee initiate repairs or maintenance to vehicles, buildings, etc., or is that responsibility left to others?

## **2. COOPERATIVENESS**

The extent to which the employee is a team player, is willing to assist others to get the job done and promotes harmony and good relationships.

Does the employee make an extra effort to assist others?

Is the employee involved in cooperative efforts to meet common departmental goals?

Does the employee work with, or compete against, co-workers?

Is the employee congenial, or frequently creating friction?

Does the employee accept suggestions, criticism and supervision, or is the employee rebellious in these instances?

## **3. COURTESY**

The extent to which the employee is polite, respectful, tactful, considerate and dignified.

Is the employee sensitive to public needs, and pleasant and courteous during public contact?

Does the employee have a tendency to be rude or overly authoritative?

Does the employee actively promote positive community relations?

Does the employee display good manners?

Is the employee considerate toward fellow workers?

Is the employee easily provoked?

## **4. DILIGENCE**

The extent to which the employee can be relied upon to complete assignments.

Does the employee complete regular duties with minimal supervision?

Does the employee need more than the expected amount of time to complete assignments?

Does the employee's level of productivity meet the expected standards?

## **5. INITIATIVE**

The extent to which the employee displays the motivation necessary to produce without urging

Does the employee make decisions and perform work without being asked or guided by a supervisor or fellow employee?

Does the employee seek more efficient ways of accomplishing tasks?

Does the employee enthusiastically carry out assignments?

Does the employee generate independent activity?

Is the employee lazy?

Is the employee's initiative reflected in the quality and/or quantity of performance?

## **6. JUDGMENT**

The extent to which the employee considers all available facts before acting, and is logical in conclusion and action.

Is the employee sensitive to the impact his/her decisions and actions have on segments of the department, other agencies, and/or the community?

Does the employee make decisions too hastily without due consideration?

Does the employee use proper judgment in determining when to act independently?

## **7. LEADERSHIP**

The extent to which the employee has the ability to organize, control and guide the work of others to obtain satisfactory results.

Does the employee demonstrate leadership qualities or does he tend to be a follower?

Does the employee display command presence with the public?

Does the employee motivate better performance through positive leadership?

## **8. COMMITMENT or DEDICATION**

The extent to which the employee supports the Department and its policies; the quality of rendering faithful and willing service toward the attainment of Departmental goals, principles and values.

Does the employee support Departmental rules and regulations, policies and operating procedures?

Is the employee faithful to the trust and confidence placed in him/her by others?

Does the employee seek to resolve issues in a positive and constructive manner; working with the administration to arrive at the best solution for the organization?

## **9. PERSONAL APPEARANCE**

The extent to which the employee maintains a standard of personal appearance and neatness in keeping with the demands and prestige of the position.

Does the employee's appearance reflect positively on the organization?

Does the employee take pride in personal appearance?

Is the employee's civilian dress appropriate for the occasion?

Is the employee well groomed and does he/she practice good personal hygiene?

## **10. PERSONAL DEVELOPMENT**

The extent to which the employee strives for self-improvement and skill development through education.

Does the employee regularly attend mandatory training programs?

Does the employee demonstrate knowledge and/or skills gained through training programs?

Does the employee take the initiative to research various laws and decisions when necessary?

Does the employee participate in discussions concerning laws, techniques and procedures?

Does the employee maintain knowledge of current Office policy and procedures?

Does the employee participate in formal education programs?

## **11. PHYSICAL FITNESS**

The extent to which the employee maintains a physical condition level of endurance and ability to react to a physically demanding situation. Personnel on "limited duty" status will not be rated in this area. Their status will be noted in #21 "comments".

Is the employee physically capable of enduring a strenuous assignment for an extended period of time?

Is the employee physically unfit to the extent that it adversely affects his/her ability to perform the duties of a Deputy Sheriff?

Does the employee participate in a physical fitness program?

## **12. QUALITY OF WORK**

The extent to which the employee completes work in a thorough, neat, accurate and effective manner.

Does the employee use good report writing techniques and proper grammar?

Are the employee's reports neat, clear and concise?

Does the employee's work reflect professional pride?

## **13. SAFETY SKILLS**

The extent to which the employee practices safe techniques in both routine and emergency situations.

Does the employee endanger himself and others with "horse play" or unsafe practices?

Does the employee obey traffic laws and practice road courtesy?

Does the employee properly use safety equipment?

Is the employee careless with firearms and other equipment?

Does the employee use safe techniques and proper tactics in the performance of his/her duties?

Does the employee properly handcuff prisoners and use safe transportation practices?

## **14. SELF EXPRESSION**

The extent to which the employee communicates orally and in writing in a clear, precise, confident and convincing manner.



Does the employee speak and write in a clear, intelligent manner?

Is the employee an effective public speaker?

Does the employee effectively communicate in group settings?

## **15. STABILITY**

The extent to which the employee displays poise and control over emotions in routine or adverse situations.

Does the employee react in a prompt, effective and calm manner under stress?

Is the employee able to cope with antagonistic or belligerent people?

Does the employee handle emergencies in a stable manner?

Does the employee allow emotional reactions to adversely affect performance?

Is the employee able to control a group of excited or agitated people?

## **16. COMMUNITY ORIENTED POLICING**

The extent to which the employee is involved in developing and furthering positive relationships between the community and the Department.

Is the employee friendly, fair, impartial, and non-discriminatory in dealing with the public?

Does the employee convey the need for community support?

Does the employee know and use available resources to help solve problems in the community?

Is the employee polite and professional in dealing with the public?

Does the employee attend and participate in community meetings?

Is the employee aware of, and sensitive to, community needs and expectations?

Does the employee outwardly support Departmental goals and objectives for improving or maintaining good community relations?

Does the employee participate in community-sponsored programs?

Is the employee a member of any community organizations?

Does the employee establish lines of communication with community leaders and representatives?

Does the employee convey the feeling that complaints will be handled fairly and impartially?

Does the employee conduct follow-up with community members in an effort to solve problems?

#### **DEFINITION OF STANDARD FACTORS FOR SUPERVISORS/MANAGERS**

In addition to the above standard factors, supervisory/management personnel will be rated in the following categories:

#### **17. INSPECTION**

The extent to which the employee conducts on-going inspections to reveal areas where improvement or correction is needed.

Does the employee conduct inspections?

Does the employee ensure orders and proper procedures are followed?

Are the employee's inspections timely and complete?

Does the employee take immediate action to correct problems?

Is the employee consistent in conducting inspections?

Does the employee report the results of inspection?

Does the employee make suggestions to correct problems?

Does the employee follow up to ensure compliance with orders and instructions?

#### **18. PERSONNEL DEVELOPMENT**

The extent to which the employee is involved in the professional development of subordinates through evaluation, training, and discipline.

Does the employee complete performance appraisals on time?

Is the employee consistent in the application of appropriate discipline?

Is the employee completely honest with subordinates?

Does the employee assist subordinates with self-development through the meetings?

Do performance appraisals reflect research of subordinates' work and show a clear picture of performance?

Are performance appraisals written in a clear, concise, and convincing manner? Do they provide direction for improvement?

Does the employee demonstrate interest in helping subordinates develop their full potential?

Does the employee recognize good performance and praise subordinates for their efforts?

Does the employee recognize deficiencies in subordinates and provide assistance, training and proper instruction for improvement?

## **19. PLANNING AND ORGANIZING**

The extent to which the employee plans and organizes work, using available resources.

Consider how well the employee plans work in advance.

Does the employee establish schedules and assign work to achieve the best results?

Does the employee properly use and coordinate available resources?

Does the employee demonstrate flexibility by considering alternate courses of action?

Is the employee aware of the impact of change and its effect on work schedules and other work sections?

Are the employee's plans and goals reasonable and attainable?

Do the employee's plans reflect clear thinking and proper courses of action?

Does the employee plan to achieve results which are in the best interest of the Department?

## **20. OVERALL APPRAISAL**

This section is to be used by the supervisor to indicate the employee's overall rating. This overall appraisal is based on:

The employee's value in the present assignment and performance therein during the appraisal period.

Consideration of general needs of the Department, comparing capabilities and characteristics of this employee to Departmental standards.

## **21. COMMENTS**

This section is to be used by the appraising supervisor for brief comments such as explanation of sick leave usage, temporary assignments, new assignments, etc., which may have affected the rating.

## **22. SPECIFIC ACHIEVEMENTS**

Identify specific achievements accomplished by the employee during the appraisal period. This should include educational accomplishments, awards, certificates, or commendations.

## **23. EMPLOYEE'S STRONGEST POINTS**

Identify the employee's strongest performance qualities.

## **24. AREAS FOR IMPROVEMENT**

This section is to be used by the supervisor to identify areas in the employee's performance where improvement is encouraged or where development would be beneficial. This does not necessarily mean that the employee is deficient in the areas mentioned, but rather that further development would enhance the employee's career growth.

## **25. ADDITIONAL INFORMATION**

This section is to be used by the supervisor for additional information that might be pertinent to the performance appraisal.

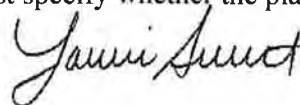
Are there completed Supervisor's Comment Cards in the employee's file?

Has the employee received any commendations during the rating period?

Did the employee receive any sustained disciplinary actions during the rating period?

## **26. ACTION PLAN FOR IMPROVEMENT/DEVELOPMENT**

The objective of this section is to assist the employee by specifically identifying how Areas for Improvement can be improved and how the employee's Strongest Points can be further utilized. This may include specific goals and objectives for development, as well as corrective actions required of the employee if appropriate. The appraiser must specify whether the plan(s) are recommended or required.



**LAURIE SMITH  
SHERIFF**



## **COMMENDATION PROCESS GENERAL ORDER #8.03**

Adopted: 07/07/2010  
Replaces: G.O. #8.03 dated 1/10/02

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

Sheriff's Office personnel will be recognized for meritorious achievement or heroic conduct above and beyond the call of duty. In order for these awards to be truly meaningful, they shall be awarded only to those persons who clearly distinguish themselves above and beyond what is normally considered to be their sworn duties. Simply performing an expected task in an exceptional manner is not necessarily justification for receiving an award.

#### **A. MEDAL OF HONOR - GOLD**

1. The medal of honor may be awarded to members of the Sheriff's Office who, while serving in an official capacity (on or off duty), distinguish themselves conspicuously by heroic actions above and beyond the call of duty. Each recommendation for the medal of honor must include all of the following:
  - a. An exhibition of bravery beyond that considered to be in the line of duty.
  - b. Risk of life with full and unquestionable knowledge of the danger involved.
  - c. An act that is not the result of a legal obligation required of the employee performing it.
  - d. An act that was not necessitated by the use of poor judgment or poor procedures on the part of the member of the Sheriff's Office.
2. The medal of honor may be awarded to a member of another law enforcement agency who, while assisting a member of the Sheriff's Office, meets the requirements for the medal of honor.

**B. MEDAL OF VALOR - SILVER**

1. The medal of valor may be awarded to members of the Sheriff's Office who, while serving in an official capacity (on or off duty), distinguish themselves by heroic action above and beyond the normal call of duty. Each recommendation for the medal of valor must include all of the following:
  - a. An act of heroism which extends above and beyond the normal call of duty or service, performed at personal risk.
  - b. An act, under emergency conditions, that is performed with bravery or other outstanding performance of duty.
  - c. An act that is not the result of a legal obligation required of the employee performing it.
2. The medal of valor may be awarded to a member of another law enforcement agency who, while assisting a member of the Sheriff's Office, meets the requirements for the medal of honor.

**C. MEDAL OF MERIT - BRONZE**

- A. The medal of merit may be awarded to members of the Sheriff's Office who distinguish themselves by an act of heroism and gallantry. While of a lesser degree than that required for the medal of honor, or the medal of valor, the recipient must nevertheless have acted with marked distinction, and intelligent understanding of the consequences, and where failure to perform such an act would not justify censure.
- B. The medal of merit may be awarded to a member of another law enforcement agency who, while assisting a member of the Sheriff's Office, meets the requirements for the medal of honor.

**D. CITATION OF OUTSTANDING COMMUNITY SERVICE**

1. The citation of outstanding community service may be awarded to members of the Sheriff's Office who distinguish themselves by outstanding community service, or active participation in a community service program for which community recognition is received for either the employee or the Sheriff's Office.
2. This award is designed for those who, on their own time, devote an exceptional effort toward a worthwhile community program, and who perform this service on a voluntary basis.

3. Justification for this award may accrue by virtue of outstanding community involvement over an extended period of time or for a succession of noteworthy programs.

**E. CERTIFICATE OF COMMENDATION**

1. The certificate of commendation may be awarded to members of the Sheriff's Office who distinguish themselves in a manner that clearly sets themselves apart from their fellow employees or from other persons in similar circumstances. This may be accomplished through one or a combination of the following:
  - a. The innovative creation and/or skillful implementation of new programs or concepts successfully adopted by the Sheriff's Office.
  - b. Performance of an outstanding service or an extremely difficult duty in an unprecedented and clearly outstanding manner.
  - c. Continuous outstanding performance and devotion to duty in a clearly exceptional manner.
  - d. The intelligent performance of an act which materially contributes to accomplishment of the Sheriff's Office's mission, under adverse or unusual circumstances, performed with special faithfulness and perseverance.

**F. CITIZEN AWARD**

1. This award may be presented to private citizens who distinguish themselves by performing an outstanding service to the Sheriff's Office. Such outstanding service includes, but is not limited to the following:
  - a. An act of bravery in aiding, or attempting to aid another citizen or a member of the Sheriff's Office, wherein the risk of personal injury is great or imminent.
  - b. An act not amounting to bravery, where necessary assistance is rendered to save the life of a citizen or member of the Sheriff's Office.

**G. LETTER OF APPRECIATION**

1. A letter of appreciation may be presented to a citizen for intelligent performance of an act which materially contributes to the accomplishment of the Sheriff's Office's mission, or which constitutes valuable service to the Sheriff's Office.

## **H. PROCEDURES**

1. Members of the Sheriff's Office who observe, or know of an individual who has performed an act or service, which in their belief, would qualify under the provisions of this order shall submit an employee's report through the chain of command to an appropriate Assistant Sheriff. This report shall contain all of the circumstances surrounding the act or service, and shall provide sufficient information to allow the incident to be further investigated.
2. Each individual receiving said report within the chain of command may make comments pertaining to the act itself, the facts and circumstances surrounding the act, or to the involvement of the participants. They may also make comments as to whether an award is justified, but must refrain from suggesting the type of award.
3. The Assistant Sheriff shall review all reports, make comments deemed appropriate, and refer the matter to the awards committee for review, investigation, and recommendations.

## **I. AWARDS COMMITTEE**

1. The awards committee consists of five members appointed from within the Sheriff's Office.
  - a. The Assistant Sheriff, Support Services Bureau, shall appoint the chairperson and two other members.
  - b. The D.S.A. board of directors shall, with the concurrence of the chairperson, appoint two additional members from the Sheriff's Office at large.
2. Committee responsibilities
  - a. The chairperson shall call a meeting of the committee whenever requested by the Sheriff, the Undersheriff, or a Assistant Sheriff.
  - b. A quorum (four members) must be present to conduct any business.
  - c. The committee shall thoroughly review and investigate all appropriate reports, and prepare a report on their findings.
  - d. In order for an award to be recommended, the vote of the committee must be unanimous.



- e. In the event that the committee finds that no award is justified, the matter will die in committee.
- f. In the event that the committee recommends an award, the complete committee report, including recommendations and justification thereto, will be forwarded to the Sheriff for final approval.

**J. PRESENTATION OF AWARDS**

- 1. It shall be the responsibility of the Sheriff's Office to prepare certificates, letters and citations, and to arrange for engraving of medals and plaques.
- 2. Each medal shall be accompanied by an appropriate certificate, as well as a citation recounting the circumstances or incident upon which the recognition is awarded. Each medal shall be accompanied by a matching citation bar for uniform wear.
- 3. Presentation of awards shall be made in whatever manner is deemed appropriate by the sheriff or his designated representative. Appropriate publicity shall be coordinated by the Sheriff's Office.
- 4. A copy of the citation will be place in the employee's personnel folder.

**K. CITATION BARS**

Citation bars for the medals set forth in this order may be worn on the left pocket flap of the shirt or dress jacket when the class "A" uniform is worn. The bar will be centered on the upper portion of the pocket flap with the top of the bar even with the lowest line of stitching.



**LAURIE SMITH  
SHERIFF**



**EMPLOYEES TAKING AND RETURNING FROM LEAVE,  
DISABILITY, OR SUSPENSION  
GENERAL ORDER #9.00**

Adopted: 07/07/2010  
Replaces: G.O. #9.00 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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**POLICY**

Employees of the Santa Clara County Sheriff's Office who are absent for extensive periods of time are subject to certain restrictions in order to promote readiness for duty and to protect departmental property. Upon return to duty, employees shall meet with a representative of the Support Services Division to establish fitness for duty and to determine whether training in new policies and procedures is necessary. Employees on suspension are subject to departmental restrictions.

**PROCEDURE**

**A. DEFINITION**

An extended leave is any absence from the Sheriff's Office for a period greater than 90 days.

**B. EMPLOYEES ON SICK LEAVE OR DISABILITY**

1. Employees on sick leave or disability are expected not to engage in conduct that would adversely affect their fitness for duty. Employees shall fully discuss all the activities they plan to engage in with their attending physicians to determine whether the activities could aggravate the injuries or delay convalescence. Employees shall not knowingly engage in any activity that could aggravate their injury or illness or delay convalescence. Therapy prescribed by an attending physician or physical therapist is exempt from this rule.

**C. EMPLOYEES ON EXTENDED LEAVES**

1. Employees who are on extended leave may, at the discretion of the Sheriff's Office, be required to return to the agency their badges, department-issued firearms, and Sheriff's identification.

**D. EMPLOYEES ON DISCIPLINARY SUSPENSION OR COMPULSORY ADMINISTRATIVE LEAVE**

1. Employees who are on disciplinary suspension shall return to the Sheriff's Office their badges, department-issued firearms, and Sheriff's identification at the time they are placed on suspension or administrative leave, and in no event later than 24 hours after the employee is placed on suspension or leave.
2. Employees who are on compulsory administrative leave may be required to return to the Sheriff's Office their badges, department-issued firearms, and Sheriff's identification at the time the employee is placed on suspension or administrative leave. Employees who are directed to return these items shall comply no later than 24 hours after the employee is placed on suspension or leave.

**E. EMPLOYEES ON SICK LEAVE, DISABILITY LEAVE, EXTENDED LEAVE, MATERNITY LEAVE, MILITARY LEAVE, DISCIPLINARY SUSPENSION AND ADMINISTRATIVE LEAVE**

1. Employees on sick leave, disability leave, extended leave, maternity leave, military leave, disciplinary suspension and administrative leave shall not engage in any other business or employment, even though prior written permission to engage in secondary employment has been received from the Sheriff unless permission to engage in activity during the leave or suspension period has been specifically granted by the Sheriff.

**F. EMPLOYEES RETURNING FROM EXTENDED LEAVE, DISCIPLINARY SUSPENSION OR ADMINISTRATIVE LEAVE**

1. Prior to returning to duty from extended leave, disciplinary suspension or administrative leave, all employees must report to the Support Services Division. The Support Services Division will brief the employee on any employment changes that have occurred in the employee's absence.
2. When employees return to duty after disability leave, administrative leave, or extended leave, the Support Services Division shall examine the available medical records and determine whether the employee shall be returned to duty or referred to a departmental physician to determine whether the employee is fit to return to duty.

3. When the employee returns to duty after disciplinary suspension or administrative leave, the employee will be interviewed by the Support Services Division regarding the employee's return to the workplace.

A handwritten signature in cursive script, appearing to read "Laurie Smith".

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**LAURIE SMITH**  
**SHERIFF**



## **LEAVES OF ABSENCE GENERAL ORDER #9.01**

Adopted: 07/07/2010  
Replaces: G.O. #9.01 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

All personnel will be entitled to leaves in accordance with state and federal law, existing MOU's, the County Code, and the needs of the Sheriff's Office.

### **PROCEDURE**

A. Employees may be granted several types of leaves of absence under the provisions of the Santa Clara County Code and union contracts. When there is a conflict between the Santa Clara County Code and the union contract, the contract provisions will prevail. The rights of an employee of the Sheriff's Office to any leave of absence are subject to the limitations of this General Order. Except as authorized by this Order, employees shall provide appropriate notification to their immediate supervisor (or approved alternative) of intended absences. This should be in writing on departmental forms, when feasible.

### **B. LEAVES OF ABSENCE**

#### **1. Military leave:**

- a. All employees who are members of a Reserve or National Guard organization and have less than one year of service with the Sheriff's Office must complete the "Reserve Military Status Report" (Form 540.08) available at Support Services prior to requesting military leave.
- b. All employees submitting requests for military leave will do so thirty days prior to the date that the leave will be taken; however, if the employee receives orders for active duty from his or her military unit less than thirty days prior to the date of such leave, the employee will notify his or her division captain within 24 hours following receipt of such military orders.

**2. Vacations:**

- a.** For those employees entitled to vacation, annual vacation sign up shall be on the basis of seniority, after due consideration of staffing and administrative requirements. Scheduling is the responsibility of the division captain.
- b.** The employee shall submit a "Request for Leave or Overtime Approval" Form (Form #FT6-535.03) for all scheduled vacation time off. Whenever possible, the form will be submitted to the employee's supervisor at least fourteen days prior to the starting date of the scheduled vacation.

**3. Sick leave:**

- a.** Sick leave in excess of three working days must be supported by a note from an appropriate licensed medical practitioner.
- b.** Request for sick leave must be submitted on a department "Request for Leave or Overtime Approval" form (Form #FT6- 535.03), no later than the end of the first shift upon return to work. The request must be approved by the appropriate supervisor and division captain or lieutenant.
- c.** Requests for sick leave for medical appointments must be submitted and approved by the appropriate supervisor in advance.
- d.** Personnel calling in sick should call the appropriate work station or supervisor. If the supervisor is not available, the employee should contact the Headquarters Patrol operations desk. The amount of time off for sick leave and the need for medical consultation is subject to the union contracts.
- e.** The responsibility for daily reporting sick lies with the employee. The call must be made as soon as the employee realizes that he or she is too ill to report for work and generally no later than one hour prior to the start of the shift in a 24-hour staffing situation. The telephone call should be made to the operations desk or designated reporting station where there is a responsible employee available to receive the call in the unit to which the employee is assigned. It is imperative in all other situations, that the employee must call no later than fifteen minutes after the employee's usual reporting time at the assigned workstation.

**4. Maternity leave:**

- a. Maternity leave is defined as that continuous time during which a female employee absents herself from her work assignment for pregnancy, delivery, and postpartum reasons. The payroll clerk in the affected employee's unit will remark or record this work status.
- b. In accordance with departmental policy and county, state and federal laws, permanent full-time employees who are pregnant shall not be discriminated against in terms of retention, promotion, assignment, or transfer. Every effort shall be made to allow employees to work during their pregnancies as long as they are able, and as determined by their medical practitioner and lastly, to encourage such employees to return to the department upon completion of their maternity leave. It is possible that medical restriction may exist on a short-term basis.
- c. A reinstated employee on probation with the department is to be treated as though she were serving her original probationary period. A performance evaluation shall be prepared any time an employee's performance changes significantly, regardless of the date of the previous rating.
- d. When the employee returns to work following a maternity leave of absence in excess of thirty working days, she shall report directly to the Support Services Division, with a medical clearance from the attending/treating physician. The employee will contact health and injury prevention (H.I.P.) coordinator. The H.I.P. coordinator will assist as needed, with placement and transition of the employee.
- e. Leave without pay shall be granted for a period of up to six months. A request for extension of that period, timely submitted, can only be denied for good cause. The employee should attempt to submit a medical treatment goal from the medical practitioner.
- f. Sick leave may be used during pregnancy or following delivery when the employee's physician certifies that she is unable to perform the duties of a deputy Sheriff or the assigned job with the department.

5. Family leave:

- a. Sheriff's Office employees are entitled to family leave and medical leave pursuant to the California Family Rights Act of 1991 and the federal Family and Medical Leave Act.
- b. Employees are eligible to take family leave or medical leave if they have been employed for at least twelve months with the County and have at least 1,250 hours of service during the previous 12-month period.

- c. Employees may take a total of 12 workweeks of leave during any 12-month period. Intermittent leave or reduced work schedule is permitted only when medically necessary.
- d. Family leave and medical leave may be taken for:
  - a. The birth of a child of an employee, and to take care for a newborn child;
  - b. The placement of a child with an employee for adoption or foster care;
  - c. Care for the employee's spouse, son, daughter, or parent with a serious health condition;
  - d. Serious health condition that makes the employee unable to perform the functions of the employee's position.

6. Jury duty leave:

- a. An employee shall be allowed to respond to a summons for jury selection or jury service, without loss of pay, provided a written waiver of all jury duty compensation other than mileage allowance is signed in front of the deputy jury commissioner or clerk of the court. A copy of the waiver will be sent to this department by the deputy jury commissioner or clerk of the court.
- b. Employees are required to notify their supervisor and division captain when a jury summons is received and when jury service is completed.
- c. The same procedures shall be adhered to in completing jury duty questionnaires and requests for service/continuances when an employee resides in a county other than Santa Clara County. Requests for personal/hardship exemptions shall be transmitted to the jury commissioner of that county (within California), by the employee.
- d. Employees may serve on an impaneled jury with pay only once during a calendar year.
- e. An employee summoned to jury duty, but not selected as a juror, shall not be deemed to have performed jury duty and shall return to work immediately at the assigned work station. The immediate supervisor of the affected employee should be appraised of the employee's status.

7. Leave without pay:



- a. Leave without pay may be granted for periods of up to one year for any of the following reasons:
  - 1. Illness beyond that covered by sick leave.
  - 2. Education or training which will benefit the Sheriff's Office and the County.
  - 3. Other personal reasons which do not cause inconvenience to the Sheriff's Office.
  - 4. To accept other government agency employment.
  - 5. Paternity leave: upon request, paternity leave without pay shall be granted to natural or adoptive parents not to exceed six months.
- b. Employees may elect to take leave without pay for an authorized absence. Notification must be prior to payroll action, otherwise vacation time will be used.
- c. Failure to report for work without approval will be considered leave without pay. **Any employee who fails to report for work for three or more consecutive working days without notification to the supervisor and without legitimate reason for the absence shall be presumed to have resigned. The employee will be terminated from county employment per County Code section A25-682(d).** The responsibility for notification of the supervisor lies with the employee.
- d. Leaving a duty assignment without prior approval will be considered leave without pay. (See General Order dealing with Standards of Conduct).
- f. Payroll clerks must send a request to Support Services at the end of each pay period indicating the name and date/hours of leave without pay taken by badge personnel during the pay period.
  - (1). The Support Services will assure that the employee's seniority date is adjusted by subtracting the amount of time taken as leave without pay. Eight hours will be counted as one day.

8. Compulsory leave.

- a. An employee may be removed from duty and placed on compulsory administrative leave in conformance with the County Code and these General Orders. An employee who has been formally charged with the

commission of a felony, or a misdemeanor involving moral turpitude, may be placed on compulsory leave without pay.

- b. When a Sheriff's Office employee is placed on compulsory leave, he or she will make himself or herself available to respond to the Sheriff's Office within a reasonable period of time and will notify the Support Services Division of the telephone number at which he or she can be reached during normal business hours. While on compulsory leave, the employee shall not act in the capacity of a peace officer in any capacity without first obtaining specific authorization from the Administrative Services Division.

**9. Industrial injury leave.**

- a. An employee is entitled to industrial injury leave when he or she is unable to perform services because of any injury as defined in the Worker's Compensation Act. Such leave is granted as provided by state law the County Code, union contract, and these General Orders. Public safety employees are entitled to disability leaves of absence with pay as provided by section 4850 of the Labor Code.
- b. When a Sheriff's Office employee is placed on industrial injury leave, he or she will make himself or herself available to respond to the Sheriff's Office within a reasonable period of time and will notify the Support Services Division of the telephone number at which he or she can be reached during normal business hours. While on industrial injury leave, the employee shall not act in the capacity of a peace officer in any capacity without first obtaining specific authorization from the Support Services Division captain.



**LAURIE SMITH  
SHERIFF**



## **TEMPORARY LIMITED DUTY ASSIGNMENTS GENERAL ORDER #9.02**

Adopted: 07/07/2010  
Replaces: G.O. #9.02 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

The Sheriff's Office will make reasonable efforts to accommodate in modified duty assignments those employees returning to work with temporary medical restrictions which make them unable to perform their regular duties and responsibilities.

### **EMPLOYEES RETURNING TO WORK WITH MEDICAL RESTRICTIONS.**

1. Prior to returning to work, any employee with medical restrictions as provided by a doctor's letter, temporarily precluding him or her from performing essential job functions, shall report to the Support Services H.I.P. coordinator for clearance and assignment.
2. The H.I.P. coordinator will review the doctor's letter and any supporting documentation provided by the employee and make efforts to locate a suitable temporary modified duty assignment.
3. If questions arise regarding the employee's fitness for duty, the Support Services Division will direct the employee to complete a fitness for duty examination.
4. If a suitable assignment is available, the employee will be given that assignment as temporary modified duty.
5. If a suitable assignment is not available, the employee will remain on leave of absence status pending return to full duty or separation from service. This leave of absence may be sick leave, vacation, peace officer disability (Labor Code section 4850), other state disability, or unpaid leave.

6. Temporary modified duty assignments will be reviewed by the H.I.P. coordinator at least every 60 days to evaluate whether or not the employee can return to his or her full duty assignment.
7. Temporary modified duty assignments generally will not exceed a period of 180 days. Temporary modified duty assignments may be extended beyond 180 days upon approval by the Sheriff.
8. An employee with a temporary modified duty assignment shall not return to his or her full duty assignment until he or she is cleared by a medical examination.
9. At the conclusion of the time period permitted for a temporary modified duty assignment, the deputy will be evaluated by the H.I.P. coordinator for fitness to return to a full duty assignment. If the employee cannot return to full duty at that time, he or she may be placed on leave of absence status pending return to full duty or separation from service. This leave of absence may be sick leave, vacation, peace officer disability (Labor Code section 4850), other disability, or unpaid leave.



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**LAURIE SMITH**  
**SHERIFF**



## MINIMUM TIME OFF GENERAL ORDER #9.03

Adopted: 07/07/2010

Replaces: G.O. # 9.03 dated 1/10/02

Reviewed: 02/22/2010

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### **POLICY**

In order to avoid fatigue that may result in loss of productivity and may cause workplace accidents, employees shall be sufficiently rested to perform their assignments. Employees shall take at least one day off per week, except in cases of emergency, when required to testify in court, or at the direction of a supervisor.

### **PROCEDURE**

Supervisors should schedule employees in a manner that ensures a minimum of eight duty-free hours between normally-scheduled shifts. Such scheduling should provide employees with a twenty-four hour duty-free period in every seven consecutive calendar days. Exceptions to these general rules may arise in cases of emergency, when an employee is required to testify in court, or when an employee is directed to work overtime by a supervisor to meet staffing requirements or to complete necessary work.

Supervisors also should be aware of any authorized outside employment, voluntary overtime, and special event extra employment ("pay job") for the employees they schedule. If authorized outside employment, voluntary overtime, or special event extra employment ("pay job") may contribute to the fatigue factor addressed by this Order, the supervisor shall notify the Sheriff via the chain of command so that the employee's approval for outside employment, voluntary overtime, or special event extra employment ("pay job") may be reviewed.

Employees shall not schedule overtime, work voluntary overtime, or special event extra employment ("pay job") that does not provide a minimum of eight duty-free hours between normally-scheduled shifts, except as directed by a supervisor who is aware of the employee's work schedule only in the case of an emergency, or when the employee is required to testify in court, or when an employee is directed to work overtime by a supervisor to meet staffing

requirements or to complete necessary work. Such scheduling should provide the employee with a twenty-four hour duty- free period in every seven consecutive calendar days.

A handwritten signature in cursive script, appearing to read "Laurie Smith".

**LAURIE SMITH  
SHERIFF**



## **RETIREMENT POLICY GENERAL ORDER #9.04**

Adopted: 07/07/2010  
Replaces: G.O. #9.04 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **PROCEDURE**

#### **A. SWORN STAFF MEMBERS**

1. Honorably retired employees of the Sheriff's Office are eligible to be issued retirement identification cards (and retirement flat badges, if sworn).

For the purposes of this Order, an "honorably retired regular deputy Sheriff" is a duly sworn employee of the Sheriff's Office who has retired under honorable conditions, and at the time of such retirement was:

- a. A regular Deputy, Sergeant, Lieutenant, Captain, Assistant Sheriff, Undersheriff, or other regular Deputy Sheriff.
- b. Retiring under one of the following conditions:
  1. Service Retirement - after a normal career time, as specified by the Public Employees Retirement System (PERS) - safety officer retirement program.

Note: This does not include an officer who has agreed to a service retirement in lieu of termination.

2. Disability Retirement - under a job-incurred disability retirement.
2. It is Sheriff's Office policy to issue an appropriate identification card, badge, and carrying case to each honorably retiring regular deputy Sheriff who meets the conditions listed above. Those who retire honorably under other conditions

(medical disability which is not job-incurred) may be issued an identification card, a badge and carrying case at the Sheriff's option.

3. This policy will also apply to honorably retired regular Deputy Sheriff I's and Sheriff's Correctional Officers who meet the conditions above.
4. Reserve Deputy Sheriffs may also be issued a retired identification card (without CCW authorization), flat badge, and carrying case upon an honorable "retirement" (or medical retirement if such disability was incurred while in the course of duties with our department) provided that they meet the following criteria:
  - a. Have served in a Reserve Deputy capacity for at least ten years.
  - b. Have fulfilled their hours of service obligations in a competent manner on a consistent basis.
  - c. Upon review of their service record, have the approval of the Reserve Coordinator to be granted this privilege.

**B. COORDINATION/ADMINISTRATION**

1. The Support Services Division shall coordinate and administer this policy.

**C. AUTHORIZATION, DENIAL OR REVOCATION OF RETIREES' PRIVILEGE TO CARRY CONCEALED FIREARMS**

1. All honorably retired Deputy Sheriffs will be considered for authorization to carry concealed and loaded firearms.
  - a. Only retired peace officers (Sheriff, Undersheriff or Deputy Sheriff of all ranks) as defined by Penal Code section 830.1, are authorized to carry a concealed and loaded firearm upon retirement. Retired Reserve Deputy Sheriffs and correctional officers are not authorized to carry concealed and loaded firearms.
  - b. Peace officers not listed under Penal Code Section 830.1 who were authorized to, and did, carry firearms during the course and scope of their employment as peace officers, shall have an endorsement on their retired identification card stating that the issuing agency approves the officer's carrying of a concealed and loaded firearm.
  - c. The above sections require completion of a basic police academy and P.O.S.T. recognized appointment as a peace officer.



2. The retired identification card endorsement authorizing a retired Deputy Sheriff to carry a concealed and loaded firearm may be revoked or denied by the Sheriff only upon the showing of good cause. Good cause shall be determined at a hearing as specified below.
3. A retired Deputy Sheriff may have his or her privilege to carry a concealed and loaded firearm or an endorsement on their retired identification card revoked or denied by violating any departmental rule, or state or federal law that, if violated by a Deputy Sheriff on active duty, would result in that officer's arrest, suspension, or removal from the agency.
4. If any retired badge personnel is denied authorization to carry a concealed weapon, or who has their concealed weapons endorsement revoked, he or she will be entitled to a hearing pursuant to Penal Code section 12027.1(d).

**D. RETIREES' IDENTIFICATION CARDS, BADGES AND CARRYING CASE.**

1. Identification cards: the honorably retired regular Deputy Sheriffs and Deputy Sheriff I's identification cards shall be similar in design and content to the identification cards issued to regular Deputy Sheriffs and Deputy Sheriff I's. The face of the card will state that the person is a retired Deputy Sheriff and have the word, "retired", imprinted below the photograph. In place of the badge number the words, "honorably retired", shall be entered. In addition, the card will have the following entries.
  - a. If authorization to carry a concealed and loaded firearm is given, "Authorized to carry concealed and loaded firearm - 12027(a) P.C.", will be imprinted on the face of the card. On the expires line, the date five years from the date of issue shall be entered. Note: where an "authorized to carry concealed and loaded firearms" identification card is issued it must be renewed upon its expiration, upon request of the retiree, through a similar process to that for the original authorization.
  - b. If authorization to carry a concealed and loaded firearm is denied or revoked, there will be no 12027(a) P.C. endorsement on the card. California Penal Code section 12027(a) prohibits the carrying of a concealed weapon in absence of the authorization endorsement. The card will have no expiration date. Note: where an identification card is issued without the 12027 (a) P.C. endorsement it is not subject to renewal consideration unless the retiree makes written request to the Sheriff for approval of authorization to carry a concealed firearm.

2. Badges: the honorably retired regular Deputy Sheriffs and Deputy Sheriff I's badges shall be the same as that issued to the individual prior to retirement except that it will:
  - a. Be of a flat design of 2 and 1/2 " diameter, suitable for being secured in the carrying case.
  - b. Have a ribbon over the badge number area (no badge number ), with the word "retired".
3. Carrying case: the carrying case shall be of suitable "pocket" design and size to accommodate the identification card and badge, black in color.

**E. GENERAL INFORMATION**

1. Retiree identification cards, badges and carrying cases are property of the Sheriff's Office and are issued to the retiree. The Sheriff reserves the right to reclaim such issue items for good cause.
2. A copy of this order will be provided to each retiree at the time of issuance of the retiree identification card, badge and carrying case.
3. Issuance of the retiree identification card, badge and carrying case will normally take place upon the retiree being officially classified as fully retired.
4. At the request of the Support Services Division, the retiree, whether fully retired or on inactive status pending final full retirement, shall turn in all items issued to him or her by the Sheriff's Office.
5. A request to turn in a retiree's identification card will only be made under unusual circumstances, such as the commission of a crime, or violation of a Sheriff's Office professional conduct regulation.



**LAURIE SMITH  
SHERIFF**



## **EMPLOYEE ASSISTANCE PROGRAM GENERAL ORDER #9.05**

Adopted: 07/07/2010

Replaces: G.O. #9.05 dated 1/10/02

Reviewed: 02/22/2010

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### **POLICY**

The Sheriff's Office encourages all employees to take advantage of employee assistance programs when necessary or suggested.

### **PROCEDURE**

- A. The Sheriff's Office recognizes that line supervisors do not necessarily have the qualifications or the responsibility to make a diagnosis or determination as to whether or not an employee suffers from alcoholism or has other health or behavioral problems that may affect the employee's job performance.
- B. The Sheriff's Office recognizes that significant personal concerns can affect an employee's job performance. Alcoholism, substance abuse, emotional and adjustment difficulties, and shift-work or family pressures may have a negative impact on an employee's well-being and general health.
- C. The Sheriff's Office Employee Assistance Program (E.A.P.) is available to encourage employees who may have alcohol, drug, or emotional problems to seek professional help. The program provides complete privacy and confidentiality by use of an informal network of peer counselors.
- D. All personnel, their dependents as defined by their medical plan, and those with significant other relationships are eligible for the E.A.P. program.
- E. Employees should contact the program provider directly utilizing the method described in informational pamphlets or by calling directly to (408) 241-7772. The labor contracts may speak directly to the cost and payment method. The Deputy Sheriffs Association

and the Correctional Peace Officers Association provide employee assistance as part of their M.O.U.'s.

- F.** If the E.A.P. is not spelled out in the employee's M.O.U., the employee may participate in the E.A.P. as provided by County policy.
- G.** Santa Clara County offers employee assistance designed to assist all County employees to overcome alcohol and/or drug abuse. Employees may seek insurance or medical coverage assistance as well to progress in the rehabilitative process.

A handwritten signature in cursive script, appearing to read "Laurie Smith".

**LAURIE SMITH  
SHERIFF**



## **EMPLOYEE PERSONAL INJURY OR DEATH GENERAL ORDER #9.06**

Adopted: 07/07/2010  
Replaces: G.O. #9.06 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **PROCEDURE**

- A. An industrial injury is an injury which occurs while the employee is performing a service for his or her employer and is a result of his or her work or working conditions.
- B. Every worker shall be entitled to industrial injury leave when he or she is unable to perform because of any injury (as defined in the Workers' Compensation laws of California).
- C. All personal injury accidents that occur while an employee is on duty will be immediately reported to the employee's supervisor.
  - 1. The employee will complete an employee's claim for Worker's Compensation benefits, Form DWC1, listing the details of the accident and attaching witness' statements if any. The supervisor will review, investigate, and complete the "employer's" portion of Form DWC1.
  - 2. The supervisor will complete an Employer's Report of Occupational Injury or Illness (Form 370). All on-the-job injuries and illnesses are to be reported, on Form 370, within twenty-four hours of the supervisor's knowledge of the incident. The employee's supervisor is to immediately "fax" a copy of Form DWC1, 6297 Form 370 and an Employee Report to the Support Services Division at 408-808-4620.
  - 3. Forms 7241, Employee Report, and 370 will then be submitted to the division captain for review and signatures.
  - 4. All original copies of Form 370, the Employee's Report, and white, canary, and pink copies of Form 7241, are to be forwarded to the Sheriff's Office's H.I.P.

Office, 55 West Younger Avenue, San Jose, Ca 95110. The goldenrod copy of Form 7241 is to be returned to the injured employee. The employee's division is to retain xerographic copies of all reports for the division file. The employee's division will send xerographic copies of all reports, completed by the employee, to the Support Services Division to be placed in the employee's personnel folder.

- D.** The death or serious injury of any employee while on duty will be reported as follows.
1. The immediate supervisor of the employee will advise the division captain, if on duty, or in their absence, the highest ranking officer on duty.
  2. The person notified will immediately notify the appropriate Assistant Sheriff of the death or serious injury and the circumstances involved. The Assistant Sheriff will notify the Sheriff and the Undersheriff.
  3. The Sheriff shall designate an individual to temporarily serve as a liaison between the employee's family and all Sheriff's Office related contacts. All information intended for, or requested of the family, shall be directed solely through the liaison.
  4. The immediate supervisor of the employee will make an employee's report listing the details of the incident. Copies of this report will be forwarded to:
    - a. Sheriff
    - b. Undersheriff
    - c. Appropriate Assistant Sheriff
    - d. Division captain of deceased or injured employee.
  5. The Form 370 will be completed and distributed as described in this general order.
  6. The employee's division captain will be responsible for notifying the employee benefits section of the County Personnel Department by telephone as soon as possible.
- E.** When making a report of an injured employee, the following information should always be included.
1. Name and address of the doctor treating the employee.
  2. The names and addresses of any witnesses and attach statements.

3. If the injury is the result of a traffic accident, the name of the driver of the other vehicle and his/her insurance company will be listed on the bottom of Form 370.

**F. GENERAL CONSIDERATIONS.**

1. If there is any doubt as to whether or not the accident was service-incurred, a report should be made.
2. Whenever an accident is reported as service-incurred, any medical treatment rendered the employee should be billed to the Compensation Fund.
3. If, at the time of injury, it was indicated that there would be lost time, the employee's division will advise the Support Services Division when the employee returns to work.
4. If, at the time of injury, it was indicated that there was no time lost and later, due to the injury, the employee must be absent from work, the Support Services Division should be notified on the first day the employee is absent from work and again on the day he/she returns. The name and address of any physician attending the employee should also be noted.
5. A record of all injury forms completed by an employee will be maintained in his/her worker's compensation file by the HIP coordinator.



**LAURIE SMITH  
SHERIFF**



## **FUNERAL PROCEDURES GENERAL ORDER #9.07**

Adopted: 07/07/2010  
Replaces: G.O. #9.07 dated 1/10/02

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

The families of deceased Sheriff's Office personnel will be afforded assistance and support in the planning and coordination of a dignified and secure memorial and/or gravesite funeral service.

### **PROCEDURE**

- A. The Sheriff's Office shall participate officially at the funeral of any employee only after requesting and receiving the approval of the family member, domestic partner, or other person responsible for funeral arrangements for the deceased.
- B. The Assistant Sheriff in the employee's chain of command will designate an administrative aide or other Sheriff's Office representative to handle all administrative contacts with the deceased's family and/or domestic partner, and act as liaison between the deceased's family and/or domestic partner and the Support Service Captain.
- C. The Support Services Captain shall be in charge of all arrangements for Sheriff's Office participation in funerals, including issues involving personnel and equipment. The Support Service Captain shall discharge the duty in coordination with the administrative aide or other department representative, and the deceased's family and/or domestic partner.

#### **D. PROCEDURE FOR SHERIFF'S OFFICE INVOLVEMENT IN EMPLOYEE FUNERALS**

- 1. When the family member and/or domestic partner or other person arranging the funeral requests Sheriff's Office's participation in the funeral, such participation may include the following:



- a. Color guards: Special ceremonial detail to handle chapel or gravesite flag and/or other ceremonies.
  - b. Honor guards: All uniformed deputies and officers participating. May consist of deputies and/or uniformed members of other police agencies.
  - c. Pallbearers: Uniformed or in civilian clothing, depending on request of the deceased's family. Pallbearers will handle the casket flag ceremony, if requested; however, color guards can be used when this task is not handled by pallbearers.
  - d. Firing party: Ceremonial 21-gun salute.
5. Responsibilities of deceased's commanding officers.
- a. The deceased's division captain or his or her representative shall, immediately upon being notified of the death or as soon as practical, personally visit the home of the deceased. He or she shall give condolences from the Sheriff's Office and the Sheriff, and offer the Sheriff's Office to assist the bereaved family in any reasonable manner.
  - b. He or she should inquire briefly as to the family's wishes concerning departmental participation in the funeral, but not in detail. For the details of these arrangements he or she should refer the family to the administrative aide or designated department representative, who will later act as liaison between the family and the department.
6. Responsibilities of administrative aide or designated Sheriff's Office representative.
- a. The administrative aide or designated Sheriff's Office representative's primary role is to act as liaison between the deceased's family and/or domestic partner, the Sheriff's Office, and the Support Service Captain.
  - b. As soon as possible after notification of the death, the administrative aide or designated Sheriff's Office representative shall make personal contact with the deceased's family, domestic partner, and/or other person responsible for funeral arrangements. He or she will arrange the details and will describe the services the Sheriff's Office can provide.
  - c. He or she shall convey to the Support Services Captain all pertinent information such as:
    - 1. Date and circumstances of death.

2. Name, address, and phone number of the funeral home.
  3. Date, time, location, and type of funeral service.
  4. Date, time, and cemetery of interment.
  5. Name, address, and phone number of next of kin and/or domestic partner or their representative.
  6. Anticipated attendance, both civilian and law enforcement.
7. Responsibilities of Support Service Captain.
- a. The Support Service Captain shall be in charge of all arrangements when involvement by the Sheriff's Office has been requested. This will include personnel assigned, transportation vehicles, traffic control, and security (if necessary). He or she shall coordinate these efforts with the administrative aide or designated Sheriff's Office representative.
  - b. He or she shall issue notification of the death, and of the details of the services to other police agencies.
  - c. He or she shall see that the proper number of members have been selected for the color guard assigned for the honor guard and selected as pallbearers, if requested.
  - d. He or she shall confer with the administrative aide or designated Sheriff's Office representative and the funeral director regarding necessary arrangements, including whether selected members shall attend only the services, or both the services and the interment.
  - e. He or she shall ensure that ample patrol vehicles are available for the detail.
  - f. He or she shall establish a pre-funeral gathering point for law enforcement personnel (such as the chapel parking lot), determine where vehicles will park, and determine the procession/route of travel for those attending the funeral services. He or she will assign deputies to direct arriving officers to specific area for formation.
  - g. He or she shall arrange for a security check of the funeral locations and the surrounding area.
  - h. He or she will work with the person or persons responsible for the funeral to establish seating arrangements and a sign-in log.

- i. He or she shall arrange for assignment of traffic escorts at “control points,” if necessary.
- j. He or she will ensure plans are made for motorcycle escort. This may be made through the funeral home or with the assistance of other law enforcement agencies having motorcycle details.
- k. He or she shall confer with the sergeants who have been designated commanders of the color guard, honor guard, and firing line.
- l. He or she shall arrange to return the deceased's personal property to the family and for the return of the employee's equipment belonging to the Sheriff's Office from the family.

**E. ACTIVE DEPUTIES AND MEMBERS OF SHERIFF'S RESERVE KILLED OR DIED IN LINE OF DUTY**

- 1. When an active deputy or member of the Sheriff's reserve is killed or dies in the line of duty, the Sheriff's Office, upon request, shall provide a color guard, an honor guard, pallbearers, and a firing party.

**F. NATURAL OR ACCIDENTAL DEATH, OFF-DUTY, OF ACTIVE SHERIFF'S OFFICE DEPUTIES**

- 1. When an active deputy dies off-duty, the Sheriff's Office, upon request, shall provide a color guard, an honor guard, pallbearers, and a firing party.

**G. RETIRED SHERIFF'S OFFICE DEPUTIES**

- 1. When a retired Sheriff's Office deputy dies, the Sheriff's Office, upon request, shall provide an honor guard, pallbearers, and a firing party. No color guard will be provided unless specified by the Sheriff. The Sheriff or Undersheriff shall determine the size of the honor guard based on the distance of the funeral service from Santa Clara County.

**H. CIVILIAN EMPLOYEES OF THE SHERIFF'S OFFICE**

- 1. When a civilian employee of the Sheriff's Office dies, the Sheriff's Office, upon request, shall provide an honor guard and pallbearers.
- 2. The division captain should contact the Support Service Captain for vehicle arrangements, which should be plain vehicles, unless authorized by the Sheriff or Undersheriff

3. The division captain should designate a representative to handle any press release, official notification, or any other necessary duties.
4. Departmental involvement shall be limited to Santa Clara County.

**I. NATURAL OR ACCIDENTAL DEATH, OFF-DUTY, OF ACTIVE SHERIFF'S RESERVE DEPUTIES**

1. When an active member of the Sheriff's reserve dies while off-duty, the Sheriff's Office, upon request, shall provide an honor guard, pallbearers, and a firing party. No color guard will be provided unless specified by the Sheriff.
2. The Reserve commander shall contact the family to offer the Sheriff's Office's sympathy.
3. If an honor guard and pallbearers are requested, these personnel shall be members of the Sheriff's reserve. Reserve personnel arrangements shall be made by the Reserve commander.
4. The Reserve commander shall coordinate with the Support Service Captain for vehicle arrangements and with the administrative aide or designated departmental representative for press release, official notification, or any other duties that are required.
5. Sheriff's Office involvement shall be restricted to Santa Clara County.

**J. DEATH OF RETIRED OR INACTIVE SHERIFF'S RESERVE DEPUTIES**

1. No provision will be made for retired or inactive reserve Sheriff's deputies, unless authorized by the Sheriff or Undersheriff.

**K. DEATH IN THE LINE OF DUTY OF PEACE OFFICERS OF OTHER LAW ENFORCEMENT AGENCIES**

1. In the event of the death of a fellow peace officer from another agency who has been killed in the line of duty, the Sheriff's Office's participation shall be determined by the Sheriff.
2. The Sheriff, the Undersheriff or a Assistant Sheriff, or a designated department representative will contact the local agency and offer assistance and obtain information to be distributed to the Sheriff's Office in regards to services.
3. It is the responsibility of the Sheriff, the Undersheriff, the Commanders, or captains, upon receiving information in regards to the death of an officer from

another agency, to contact the Services Bureau Commander. The Services Bureau Commander will confer with the Sheriff to determine the agency's response.

4. Information received will be sent to the Services Bureau Commander. A memorandum will be initiated and sent to all sections of the Sheriff's Office, listing the following:
  - a. Date of service
  - b. Time of service
  - c. Location
  - d. Assembly time and location
  - e. Uniform
  - f. Transportation to be provided.
5. The Sheriff and members of his or her staff may elect to participate in such services depending on the circumstances resulting in the death or upon the rank of the deceased officer.

**L. SPECIAL FUNERAL DETAILS**

1. Color guard
  - a. The supervisor of the color guard will be a sergeant.
  - b. The supervising sergeant will perform the following duties:
    1. Confer with the Support Service Captain
    2. Be responsible for the conduct of color guard members, ceremonial drills, color guard commands, and the execution of all movements.
    3. Arranging the assembly and transportation of the color guard. At the assembly point, the sergeant should conduct a uniform inspection of the color guard and brief them on any procedures peculiar to that detail or service.
  - c. Color guard uniform.
    1. The color guard uniform shall, weather permitting, consist of full uniform including dress jacket, tan shirt, tie, white gloves, class A

uniform pants, authorized head gear, and sidearm but excluding keys, whistles, and items such as batons, o.c., pens or pencils, notebooks, flashlights, or any other item(s) of equipment that protrude visibly from pockets.

2. Note: In the case of extremely hot weather, the dress jacket may be omitted. In this case, the color guard must wear the long-sleeve shirt with a black tie.

2. Honor guard.

- a. The supervisor of the honor guard will be a sergeant.

- b. The supervising sergeant will perform the following duties:

1. Confer with the Services Bureau Commander and the color guard sergeant to ensure coordination between the color guard and the honor guard.
2. Be responsible for the conduct, commands and execution of honor guard movements.
3. Arrange the assembly and transportation of the honor guard. At the assembly point, the sergeant will conduct a uniform inspection of the honor guard and brief them on any procedures peculiar to that detail or service.

- c. Honor guard uniform.

1. The honor guard uniform shall, weather permitting, consist of full uniform including dress jacket, tan shirt, tie, white gloves, and sidearms but excluding keys, whistles, and items such as batons, o.c., pen or pencils, notebooks, flashlights, or any other items of equipment that protrude visibly from pockets.
2. To ensure uniformity of shirts, the following should be specified prior to the detail: If long-sleeve shirts are worn, black ties must be worn. In extremely hot weather, a short-sleeve shirt with no tie may be worn.

3. Firing line.

- a. The supervisor of the firing line will be a sergeant.

- b. The supervising sergeant will perform the following duties:

1. Confer with the Support Service Captain regarding the location and time of service.
2. Select seven deputies for the firing party.
3. Arrange for weapons and blank ammunition.
4. Select time and location for training.
5. Arrange for transportation.
6. Supervise ceremony.
7. Return of weapons, safety and security.

**M. BENEFIT INFORMATION FOR SURVIVORS/FAMILIES OF PEACE OFFICERS KILLED IN THE LINE OF DUTY**

The following address should be used in contacting the federal Department of Justice for information about the Public Safety Officers Benefit Program:

United States Dept. of Justice  
Law Enforcement Assistance Administration  
Public Safety Officers Benefit Program  
Washington, D.C. 20531



**LAURIE SMITH  
SHERIFF**



## **REPORTING EMPLOYEE INJURIES GENERAL ORDER #9.08**

Adopted: 07/07/2010  
Replaces: G.O. #9.08 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

All Sheriff's Office personnel will report, in a timely manner, all injuries that occur while on duty.

### **PROCEDURE**

#### **A. INJURED EMPLOYEE'S RESPONSIBILITY**

1. Any employee that receives an injury while working, shall notify their immediate supervisor as to the nature of the injury and shall document the injury on an Employee's Report including the following information;
  - a. The date and time that the injury occurred
  - b. The nature of the injury
  - c. How the injury occurred
  - d. Information on any potential witnesses to the injury
  - e. Information on any medical treatment that was sought
2. Upon completing the report, the employee will forward it to their immediate supervisor for review purposes.

#### **B. WITNESSES EMPLOYEE'S RESPONSIBILITY**

GENERAL ORDER # 9.08



1. Any employee that witnesses another employee receiving an injury shall document the information on an Employee's Report including the following information;
  - a. The date and time that the injury occurred
  - b. The nature of the injury
  - c. How the injury occurred
2. Upon completing the report, the employee will forward it to their immediate supervisor for review purposes.

**C. SUPERVISOR'S RESPONSIBILITY**

1. Upon receiving notification of an injury received by an employee, the supervisor shall do the following;
  - a. Document injury on Sergeant's Log
  - b. Photograph injury if necessary
  - c. Collect and review Employee's Reports from injured employee and any witnesses
  - d. Complete a brief investigation into the injury - looking for such things as potential witnesses, safety concerns, training issues, equipment problems
  - e. Complete a Supervisors First Report of Industrial Injury/Illness form
  - f. Complete Worker's Compensation Claim Form DWC1
  - g. Document any additional factors related to the injury
  - h. Forward copies of all reports to their Division Commander

**D. DIVISION COMMANDER AND/OR ASSISTANT DIVISION COMMANDER**

1. Upon receiving notification of an injury to an employee assigned to their division, the Division Commander and/or the Assistant Division Commander shall;
  - a. Review all documents for completeness

- b. Fax all documents to the H.I.P. Coordinator in Support Services Division, then pony the original copies.
- c. See to it that any safety, training and/or equipment concerns are corrected

**E. H.I.P. OFFICER'S RESPONSIBILITY**

- 1. Upon receiving notification of an injury to an employee, the H.I.P. Coordinator shall;
  - a. Review all reports for completeness and accuracy
  - b. Forward copies of the following reports to the Sheriff's Office Risk Management Lieutenant;
    - 1. Supervisors First Report of Injury
    - 2. DWC1 Form
    - 3. Injured party's Employee's Report
    - 4. Witness Employee's Report
  - c. Follow guidelines, policies and procedures as established for their position
  - d. Establish a close working relationship with the County's Workers Compensation Unit as well as the Department Risk Management Unit.
  - e. Provide necessary assistance to all injured employees

**F. RISK MANAGEMENT LIEUTENANT'S RESPONSIBILITY**

- 1. Upon receiving notification of an injury to an employee from the H.I.P. Coordinator, the Risk Management Lieutenant shall;
  - a. Review all reports for completeness and accuracy
  - b. Review reports looking for such things as potential safety concerns, training issues and/or equipment problems
  - c. Document any problems or concerns discovered and forward to Division Commander and Undersheriff
  - d. Oversee that concerns are corrected and document how corrected

- e. Track all injury and submit quarterly reports to the Sheriff's Executive staff

A handwritten signature in cursive script, appearing to read "Laurie Smith".

**LAURIE SMITH  
SHERIFF**



## **PERSONAL HEALTH/ATTENDANCE POLICY GENERAL ORDER #9.09**

Adopted: 07/07/2010

Replaces: G.O. #9.09 dated NEW

Reviewed: 02/22/2010

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### **POLICY**

The Santa Clara County Sheriff's Office recognizes that employee attendance is an extremely important issue to an agency with mandated functions. This makes it necessary to ensure that employees come to work on their scheduled workdays during their scheduled work hours. In order to ensure that each employee maintains an acceptable attendance record, it shall be the policy of the Santa Clara County Sheriff's Office to monitor the attendance of each employee. Employee's who fail to maintain an acceptable level of attendance, or fail to be at their assigned work assignment on time, shall be subject to progressive discipline. In addition, excessive use of sick leave in violation of this published policy may be considered during the selection process for assignment to or retention in special duty assignments or during promotional opportunities. Employees of the Sheriff's Office are therefore encouraged to pursue a program of personal wellness that will ensure their ability to comply with this mandate.

### **1. DEFINITIONS**

- A. Sick Leave** is defined as the necessary absence of an employee from the workplace due to an illness or injury that renders the employee incapable of performing his or her duties. This includes pregnancy related conditions pursuant to the Pregnancy Discrimination Act; exposure to a contagious disease that is determined by a physician to require absence from work; dental, vision or other physical or medical examination or treatment by a licensed practitioner; illness or injury of an immediate family member requiring the employee's absence to care for the family member.
- B. Net Adjusted Sick Leave** is defined as all leaves of absence for minor short-term non-work related illness or injury, and does not include approved leaves of absences. Net adjusted sick leave does not include leave associated with a catastrophic illness or injury to the affected employee or a member of their immediate family. An example of a major injury or catastrophic illness may include an injury which keeps the employee away from

work for two weeks or longer, multiple treatments or periods of recuperation relating to a single injury or illness, home care for an immediate family member who has suffered a major injury or illness lasting two weeks or longer, or bereavement leave associated with the customary obligations arising from the death of a member of the employees immediate family. Net adjusted sick leave is that portion of an employees overall sick leave usage that will be considered for the purposes of progressive discipline.

- C. Immediate Family is defined as the mother, father, grandmother or grandfather of the employee or the employees spouse, or of the same sex domestic partner of the employee. Immediate family also includes the employees spouse, son, son-in-law, daughter, daughter-in-law, brother or sister of the employee, or any person living in the immediate household of the worker pursuant to a labor contract.
- D. Family Medical Leave Act (includes protection under both Federal and State statutes) allows eligible employees to take up to 12 weeks of medical leave for specific family or medical reasons. Immediate family members are defined under the FMLA as the employees spouse, children or parent. Employees qualifying for leave under the FMLA may elect to use all or part of their accumulated sick leave during the time they are away from work. Employees will be given benefit of both acts.
- E. Santa Clara County Medical Leave Policy follows California State Labor Code Section 233. This section of the Labor Code allows an employee to be absent on medical leave to attend to the injury or illness of an injured family member for a period of time equal to one half of the involved employee's annual accrual rate. For the purposes of this policy, family member is defined as the employees spouse, child or parent. Employees qualifying for leave under this policy may elect to use all or part of their accumulated sick leave during the time they are away from work.
- F. Unacceptable Attendance includes, but is not limited to, net adjusted sick leave in excess of 96 hours in any twelve (12) month period; sick leave usage involving a pattern of absences on days adjacent to scheduled days off; a pattern of sick leave usage involving frequent unscheduled mid-shift departures from work for personal or family illness; absence without written medical excuse/verification when required; exhaustion of sick leave immediately after it is earned; failure to properly notify the Sheriff's Office of planned or unplanned absences; failure to request prior approval for use of sick leave within the minimum time parameters of this policy; calling in sick on a date when the employee previously requested leave which was denied.

## **2. EMPLOYEE RESPONSIBILITY**

- A. Absences: It shall be the responsibility of the employee to notify his or her supervisor of any illness, injury, medical appointment, leave request or circumstance that would prevent the employee from reporting to work on time or working a full shift. The employee shall advise the supervisor of the type of leave they are requesting, and the approximate date of return. If the leave is being requested to care for a family member,

the employee shall identify the person to be cared for and the employee's relationship to that person.

- B. Notification: Sworn personnel shall notify the on-duty supervisor, or in the alternative the operations desk, of their inability to report for duty on time as far in advance as possible, but no later than one hour prior to their scheduled reporting time. All other personnel shall notify a supervisor in their division as far in advance as possible, but no later than one half-hour prior to their scheduled reporting time.
- C. Routine Appointments: Employees are responsible for scheduling routine medical, dental and vision appointments on their days off if possible. If an employee requests time off work for such an appointment, they shall request such leave in writing at least 72 hours prior to the requested time off.
- D. Extended Sick Leave Request: Employees requesting/using sick leave in excess of three days shall submit an excuse or verification in the form of a supporting statement from an accredited physician upon their return to duty. This does not preclude the employer from requesting an excuse/verification from the employee for absences of less than three days. Substantiation does not preclude sick leave from being used to compute an employee's net adjusted sick leave. Each incident shall be evaluated on a case-by-case basis.
- E. Work Related Injuries: Employees requesting time off work for a work-related injury shall submit an employee's report documenting the injury. Employees absent due to a work-related injury shall provide a written medical excuse/verification to the H.I.P. Coordinator outlining their work status prior to returning to work.
- F. Non-Work Related Injuries: Employees absent for more than two weeks due to a non-work related injury/illness shall provide a medical excuse/verification to the H.I.P. Coordinator outlining their work status prior to returning to work.
- G. Unauthorized Absences: An employee's absence from the workplace without authorization or notification will be investigated by the on-duty supervisor as soon as possible. The supervisor shall immediately attempt to contact the employee via the telephone to ascertain the circumstances of the absence. If the supervisor is unable to reach the employee via the telephone, they shall immediately notify the law enforcement agency where the employee resides and have that agency complete a welfare check of the employee. In all instances where an employee is absent without authorization or notification, the supervisor investigating the absence shall immediately submit a detailed report of the event to the Division Commander. The Division Commander shall immediately initiate disciplinary action against the involved employee if appropriate. A failure to report to work for three or more consecutive workdays without notification to the Sheriff's Office and without a legitimate reason for the absence shall be presumed to be a resignation pursuant to Santa Clara County Merit System Rule Section A25-682.

### **3. SUPERVISOR RESPONSIBILITY**

- A.** It shall be the responsibility of each supervisor to maintain an accurate attendance record for each of the employees they supervise. Supervisors shall review and evaluate their employee's sick leave usage a minimum of four (4) times per year, (January, April, July, October), to determine if the employee's attendance meets the acceptable standards as set forth in this policy. For those employees who fail to meet the acceptable standards as outlined in this policy, the Supervisor shall immediately begin corrective action and shall immediately notify the Division Commander via the chain of command of the problem and the corrective action plan. Once the employee has been found to be out of compliance with the acceptable attendance standards as outlined in this policy, and corrective action has been initiated, the employee's supervisor shall review the employee's attendance log on a monthly basis to ensure future compliance. If the employee is found to be out of compliance at any time over the subsequent twelve (12) month period of time, the employee's supervisor shall immediately initiate the next level of progressive discipline.



**LAURIE SMITH**  
**SHERIFF**



## **EQUIPMENT CONTROL AND MAINTENANCE GENERAL ORDER #10.00**

Adopted: 07/07/2010

Updated: 02/22/2010

Replaces: G.O. #10.00 dated 4/15/08

Reviewed: 02/22/2010

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### **POLICY**

Sheriff Office sworn personnel will control and maintain their personal equipment in accordance to Sheriff Office standards.

### **PROCEDURE**

- A.** All on-duty sworn personnel will maintain the below listed equipment:
1. Firearm - according to specifications described in General Order.
  2. Handcuffs and key.
  3. Badge and hat shield.
  4. Agency issued identification card.
  5. Name plate.
  6. Baton, Asp collapsible baton.
  7. Whistle - chrome or black.
- B.** All on duty sworn personnel assigned to plain clothes divisions will maintain the below listed equipment:
1. Firearm - according to specifications described in General Order.
  2. Handcuffs and key.



3. Badge.
  4. Agency issued identification card.
- C.** All off duty personnel will maintain the below listed equipment.
1. Firearm - according to specifications described in General Order may be carried.
  2. Badge may be carried but will not be conspicuously displayed.
  3. Handcuffs and key may be carried.
  4. Agency issued identification card must be carried at all times.
- D.** The authority of a peace officer to carry a concealed firearm is provided by section 12027(a) P.C. and sworn personnel of the agency who choose to carry a firearm off-duty do so under the authority of the state law and are not required to do so by departmental policy.
- E.** It is the Sheriff's Office policy that all officers shall maintain a telephone so they may be reached in an emergency.



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**LAURIE SMITH**  
**SHERIFF**



**UNIFORM AND EQUIPMENT REGULATIONS  
SWORN AND NON-SWORN PERSONNEL  
GENERAL ORDER #10.01**

Adopted: 4/7/2014

Effective: 4/7/2014

Replaces: Last Revision of 2/3/2014

Revised: 4/7/2014

Reviewed: 4/7/2014

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**POLICY**

In order to maintain professionalism among Sheriff's Office employees, all personnel shall keep their required uniform in good condition at all times. Uniforms and other attire shall be kept clean and neat. Leather accessories shall be kept dyed and clean. Firearms shall be kept clean and serviceable. When assigned to a non-uniformed position, all Sheriff's Office personnel will dress in conservative, business professional attire unless otherwise directed and shall have their uniform immediately available.

**PURPOSE**

To establish a standard for uniforms worn by Sheriff's Office personnel and to ensure immediate access, without confusion, from approved uniform vendors.

**A. DEFINITIONS**

1. **SWORN PERSONNEL:** Sworn Personnel refers to all of the ranks found within the Regular, Correctional, and Reserve Deputy Sheriff classifications as well as the Correctional Officer classification.
2. **NON-SWORN PERSONNEL:** All other employees of the Sheriff's Office who have not been appointed to a sworn law enforcement or correctional classification as recognized by Police Officers Standards in Training (POST) or the Board of State and Community Corrections (BSCC).
3. **AUTHORIZATION or APPROVAL** refers to Division Commander Approval unless otherwise stated.

**B. UNIFORM SPECIFICATION SHEET**

1. Over time, it may become difficult to find specific items of uniform apparel as outlined in this policy. There are several reasons for this, i.e., clothing manufacturers go out of business, change proprietors and/or start buying different fabric or dyes for

the manufacturing process. This can cause not only the shades of green and tan to change slightly, but fit and protection can be altered as well. Styles and safety equipment also change over time based on lessons learned and best practices. Therefore, it is incumbent upon every member of the Sheriff's Office to confirm uniform standards as to manufacturer, style, and color prior to purchase. **An approved Uniform Specification Sheet can be obtained from Personnel and Training.**

**C. SWORN PERSONNEL**

1. **SWORN UNIFORM CLASSES:** The Class A and Class B uniforms are standard duty wear. The modification of these classes or the wearing of the Class C or Class D uniform as well as the Class E and Class F non-uniform require Division Commander Approval prior to wear.

a) **SWORN CLASS A: Long Sleeve Full Dress Uniform**

- (1) Dress Trousers
- (2) Long Sleeve Shirt
- (3) White Undershirt
- (4) Necktie
- (5) Black Shoes or Boots
- (6) Black Socks
- (7) Duty Belt with Required Safety Equipment
- (8) Ike Jacket
- (9) Campaign Hat (Felt Style Only)

b) **SWORN CLASS A (Modified):** The Class A uniform may be modified in the following manner with authorization:

- (1) No Necktie (Must Wear White Crewneck Undershirt)
- (2) White Turtleneck or Dickie (No Unapproved Logos)
- (3) No Ike Jacket
- (4) No Campaign Hat. May substitute with Straw Style Campaign Hat or other approved headgear

c) **SWORN CLASS B: Short Sleeve Dress Uniform**

- (1) Dress Trousers

- (2) Short Sleeve Shirt
- (3) White Crewneck Undershirt
- (4) Black Shoes or Boots
- (5) Black Socks
- (6) Duty Belt with Required Safety Equipment
- (7) Campaign Hat (Felt Style)
- d) SWORN CLASS B (Modified): The Class B uniform may be modified in the following manner with authorization:
  - (1) No Campaign Hat. May substitute with Straw Style Campaign Hat or other approved headgear
- e) SWORN CLASS C: Patrol Dress Uniform (PDU) (NOTE: This is a permanent press cotton/polyester blend uniform)
  - (1) Long Sleeve or Short Sleeve PDU Shirt (Tucked in)  
(Hidden Document Pocket O.K.)
  - (2) White Crewneck Undershirt
  - (3) PDU Pants (Hidden Cargo Pockets O.K.)
  - (4) Black Boots
  - (5) Black Socks
  - (6) Duty Belt with Required Safety Equipment
  - (7) Campaign Hat
- f) SWORN CLASS C (Modified): The Class C uniform may be modified in the following manner with authorization:
  - (1) No Campaign Hat. May substitute with Straw Style Campaign Hat or other approved headgear
- g) SWORN CLASS D: Tactical Dress Uniform (TDU)
  - (1) Long Sleeve TDU Shirt (Tucked in)
  - (2) Black Crewneck Undershirt
  - (3) TDU Pants (Bloused)  
(Visible Cargo Pockets O.K.)
  - (4) Black Boots

- (5) Black Socks
- (6) Duty Belt with Required Safety Equipment
- (7) Campaign Hat (Felt Style)
- h) SWORN CLASS D (Modified): The Class D uniform may be modified in the following manner with authorization:
  - (1) Short Sleeve TDU Shirt
  - (2) Other Approved Polo Shirt
  - (3) Other Approved Undershirt e.g., Black Turtleneck
  - (4) Other Approved Footwear e.g., ATV Boots
  - (5) Approved Shorts
  - (6) Duty Weapon, Handcuffs, Extra Magazine instead of full duty belt
  - (7) No Campaign Hat. May substitute with Straw Style Campaign Hat or other approved headgear
  - (8) Class D Subdued Uniform Version: Modify material print and patches for camouflage or special unit identification purposes
- i) SWORN CLASS E: (Non-Uniform) Business Professional Dress
  - (1) Business Suit, Sport Coat or Jacket
  - (2) Dress Pants or Skirt, Knee length for women
  - (3) Belt or Suspenders
  - (4) Dress Shirt or Blouse for women
  - (5) Necktie (Optional wear for women)
  - (6) Dress Shoes
  - (7) Duty Weapon, Handcuffs, Extra Magazine
- j) SWORN CLASS F: (Non-Uniform) Business Casual
  - (1) Casual Dress Pants or Skirt, Knee Length for women (No Jeans, Shorts or TDUs)
  - (2) Casual Dress Collared Shirt or Blouse for women (No T-Shirts or Tank Tops)
  - (3) Casual Dress Shoes or Boots (No Athletic Shoes)

(4) Duty Weapon, Handcuffs, Extra Magazine

(5) Casual Dress Cover Jacket ("Hidden Agenda" Jackets OK)

2. SWORN UNIFORM CONDITION REQUIREMENTS:

- a) All classes of uniform attire listed above will be clean and neatly pressed. Firearms, handcuffs, extra magazines and other items of safety equipment shall be kept clean, neat and serviceable. Shoes and/or boots and all other leather gear will be kept dyed and polished. Metal accessories shall be shined.

3. SWORN UNIFORM ACCESSORIES

- a) NAME TAG, METAL – (Uniform Classes A, B and C) engraved block letters of the last name in black ink, or first initial and last name. The metal Name tag is the standard for all Class A and Class B uniforms. The Name tag will be worn on the right shirt pocket with the top of the Name tag aligned with the top of the pocket.

(1) Silver colored metal for the ranks: Deputy Sheriff, Correctional Deputy Sheriff, Correctional Officer and Sergeant.

(2) Gold colored metal for the ranks: Lieutenant, Captain, Assistant Sheriff, Undersheriff and Sheriff.

- b) NAME TAG, CLOTH (includes embroidered) – (Uniform Class D and the Field Jacket) 1" x 5" standard military style name tag with embroidered block letters of the last name, or first initial and last name, or badge number for Crowd Control Unit uniform. The full color cloth name tag is the standard for the Class D uniform. However, some special teams may be authorized to wear the subdued Class D uniform. Check the Special Unit Uniforms section for those teams authorized to wear subdued patches. The cloth Name tag will be worn centered above the right shirt pocket and on left rear pant pocket.

(1) Full Color - Dark green cloth tape with silver colored thread lettering for the Ranks: Deputy Sheriff, Correctional Deputy Sheriff, Correctional Officer and Sergeant.

(2) Full Color - Dark green cloth tape with gold colored thread lettering for the ranks: Lieutenant, Captain, Assistant Sheriff, Undersheriff and Sheriff.

(3) Subdued - Black cloth tape with green colored thread lettering for authorized subdued Class D uniforms.

(4) Subdued – Green cloth tape with black colored thread lettering for authorized subdued Class D uniforms.

4. BADGES – authorized and issued departmental badges to be worn on the left side of

the shirt and above the pocket. The metal badge is the standard. However, some special teams may be authorized to wear the full color or the subdued cloth badge with the Class D uniform. Check the Special Unit Uniforms section for those teams authorized to wear the cloth badges.

- a) BADGE, METAL – (Uniform Classes A, B and C) The metal badge is to be worn above the left pocket.
    - (1) Silver colored metal for the ranks: Deputy Sheriff, Correctional Deputy Sheriff, Correctional Officer and Sergeant.
    - (2) Gold colored metal for the ranks: Lieutenant, Captain, Assistant Sheriff, Undersheriff and Sheriff
  - b) BADGE, CLOTH (includes embroidered) – (Uniform Class D). The cloth badge (color or subdued) is authorized for the Class D uniform.
    - (1) Full Color - Silver colored thread for the ranks: Deputy Sheriff, Correctional Deputy Sheriff, Correctional Officer and Sergeant.
    - (2) Full Color - Gold colored thread for the ranks: Lieutenant, Captain, Assistant Sheriff, Undersheriff and Sheriff
    - (3) Subdued – Black or green colored thread for authorized subdued Class D uniforms.
    - (4) Color, Underwater Search Unit (USU) badge with red diver
5. SHOULDER PATCHES – (Uniform Classes A, B, C and D). The full color dress patch is the standard for Class A, B, C and D uniforms. However, some special teams may be authorized to wear the subdued departmental shoulder patch with the Class D uniform. Check the Special Unit Uniforms section for those teams authorized to wear subdued patches.
- a) Full Color - The authorized department dress shoulder patch shall be sewn onto the shoulder of each Class A, B, C and D uniform shirt and uniform outerwear except rain gear, polo shirts, and “Hidden Agenda” jackets.
  - b) Subdued – The authorized department subdued shoulder patch shall be sewn onto the shoulder of each Class D subdued uniform as authorized.
6. HASH MARKS – (Uniform Classes A, B, and C. Hash marks on the Class D uniform are optional wear.)
- a) Style – Royal blue slash with yellow outline and black border to be worn on the left sleeve of long sleeve uniform shirts and outerwear. (Except rain gear, polo shirts, and the “Hidden Agenda” jacket.) The Hash Marks are optional wear on the Class D Uniform and on the Field Jacket.
  - b) Number – Except as authorized by the Sheriff, one for each five years of

service as a regular sworn officer with Santa Clara County.

7. SWORN STANDARD UNIFORMS AND ACCESSORY SPECIFICATIONS

a) OUTERWEAR

(1) Jacket (Ike Jacket) – (Uniform Class A)

- (a) Material - forest green wool or wool blend.
- (b) Style - peak lapel jacket with coat sleeves, regulation collar, and epaulets. Front to be fastened with a zipper from the bottom vertically to base of the lapels. Golf pleats on each side seam extending from the shoulder seams to bottom of jacket. Adjustment straps with two buttons at side seams. Stitched-down belt in back. Bottom of jacket made with turn-up. No separate waistband.
- (c) Length of jacket - to be tailored to fit the individual. Back of the jacket to extend below the belt line to the top edge of the hip pockets.
- (d) Jacket to be worn straight down, and not with a blouse effect.
- (e) Pockets – two breast pockets to be patch pocket style, with center box pleats and three-point flaps with buttons and buttonholes.
- (f) Buttons – all buttons to be California Eureka.
- (g) Silver colored for the ranks: Deputy Sheriff, Correctional Deputy Sheriff, Correctional Officer and Sergeant.
- (h) Gold colored for the ranks: Lieutenant, Captain, Assistant Sheriff, Undersheriff and Sheriff.
- (i) Sleeves - no cuffs or buttons.
- (j) Cloth Stripes – One half inch colored cloth stripe to be sewn three inches from bottom of each sleeve, and extend halfway around sleeve from seam to seam, and set into the seams at both sides.
- (k) Silver colored cloth stripe for the ranks: Deputy Sheriff, Correctional Deputy Sheriff, Correctional Officer and Sergeant.
- (l) Gold colored cloth stripe for the ranks: Lieutenant and Captain.



- (m) Two half inch wide gold colored cloth stripe for the rank: Assistant Sheriff.
  - (n) Three half inch wide gold colored cloth stripe for the rank: Undersheriff.
  - (o) Hash marks shall be worn on the left sleeve above the silver or gold stripe(s).
  - (p) Rank Insignia (Refer to Section: UNIFORM DESIGNATION OF RANK)
- (2) Field Jacket – (Uniform Classes A Modified, B, C and D)
- (a) Material – nylon or gortex. Dark green in color to match the Class A uniform pant.
  - (b) Style – waist length with  $\frac{3}{4}$  shirred (gathered elasticized) waistband. Jacket may have removable hood and zip-out liner. Two front chest or cargo style pockets. A zippered gun slot is optional. If jacket has buttons, they will be black or silver for sergeant ranks and below, and gold for lieutenant ranks and above.
  - (c) Cloth Name Tag (Green with respective rank colored lettering)
  - (d) Metal Badge – The metal badge is the standard for the field jacket.
  - (e) Rank Insignia (Refer to Section: UNIFORM DESIGNATION OF RANK)
- (3) Rainwear – (Uniform Class A, B, C and D)
- (a) Style - department issued or similar in black or yellow.
  - (b) Metal Badge
  - (c) No Name Tags or Rank Insignia on Rain Gear
- (4) “Hidden Agenda” Jackets – (Uniform Class A Modified, B, C and D.) Black with pull down cloth deputy badge on left chest, pull down cloth “SHERIFF” placards for right front chest and back, in yellow lettering. Jackets can only be worn when authorized by the division captain.
- (a) No Name Tags or Rank Insignia on “Hidden Agenda” Jacket

b) SHIRTS

- (1) Long Sleeve / Short Sleeve – (Uniform Class A, B and C)
  - (a) Material - color: sand tan; Class A and B in wool, tropical worsted, or wool/polyester blend; Class C in cotton / polyester blend with Teflon® coating.
  - (b) Buttons - sand tan to match color of shirt.
  - (c) Collar - to be of the semi-dress type with the height in proportion to the build of the individual.
  - (d) Epaulets - to be of two thicknesses of the same material as the shirt. Fastened at the top end by a button.
  - (e) Hidden document pocket authorized for Class C Shirt
- (2) Undershirts – (Uniform Class A, B, C and D) - Undershirts are mandatory wear when not wearing a necktie.
  - (a) White Crew Neck - to be worn with the Class A, B and C Uniforms
  - (b) White Turtle Neck – may be authorized for the Class A Modified or Class C PDU
  - (c) Black Crew Neck – to be worn with the Class D Uniform
  - (d) Black Turtle Neck and or Mock Turtle Neck – may be authorized for the Class D Uniform.
- c) NECKWEAR – (Uniform Class A). A tie is to be worn at all times with the dress (Ike) jacket and as required by the division captain (e.g. winter season for Court Assignment). Neckwear is also required for court appearances, except for traffic court. Under no circumstances shall a tie be worn with a short sleeved shirt.
  - (1) Regular plain black four-in-hand clip on tie.
  - (2) Cross-style plain black for female personnel is authorized as an option to the four-in-hand style.
  - (3) Tie Clasp
    - (a) Bar - plain silver colored bar or silver colored bar with Sheriff's star for sergeants and below; gold for lieutenants and above.
    - (b) Tack – plain silver colored tack or silver colored tack with the Sheriff's star for sergeants and below; gold for lieutenants and above.

- (c) Trousers / Pants
- (4) Trousers / Pants – (Uniform Class A, B and C)
  - (a) Material – color: dark green; Class A and B in wool or wool / polyester blend; Class C in cotton / polyester blend with Teflon® coating.
  - (b) Cloth Stripes – Colored one-half inch wide cloth stripe to be sewn on each pant starting from the bottom of the side pockets to the bottom of the pant leg.
  - (c) Silver colored cloth stripe for the ranks: Deputy Sheriff, Correctional Deputy Sheriff, Correctional Officer and Sergeant.
  - (d) Gold colored cloth stripe for the ranks: Lieutenant, Captain, Assistant Sheriff and Sheriff.
  - (e) Pockets - to have two-side, two-hip, and one or two utility pockets.
  - (f) Cuffs – no cuffs.
- (5) Motor Britches – (Uniform Class A, B, and C). (Motor britches to be worn by motorcycle traffic enforcement deputies) - Similar in color, style and material to the Class A, B or C pants.
- (6) Shorts – (Uniform Class D Modified.) - (to be worn when authorized by a division captain for special details e.g. bicycle patrol and parks) - black bicycle shorts or cargo shorts; cotton/polyester blend.
- (7) Uniform Belt – (Uniform Class: All) A black leather belt with plain chrome or gold buckle shall be worn with all uniform pants. A buckle is not required with a Velcro closure belt.
- d) FOOTWEAR – (Uniform Class A, B, C and D)
  - (1) Boots/Shoes
    - (a) Material - black leather with plain toe and polish finish.
    - (b) Low-cut oxford (military style dress shoes).
    - (c) Ankle-high oxford.
    - (d) High-top army or paratrooper boot (jungle boots excluded).
    - (e) High-top police style.
    - (f) Wellington-style with at least a twelve-inch top measured

from the bottom of the heel.

- (g) Knee-high riding boots are to be worn with motor britches during motorcycle traffic enforcement.
- (h) Mid-calf off-road motorcycle boots are authorized for off-road motorcycle detail.
- (i) Appropriate western style boots are authorized for the mounted unit and shall be black in color.
- (j) Rubber boots - (optional for field enforcement deputies during inclement weather) - plain black or dark green rubber.
- (k) Other Approved Footwear

(2) Socks - black (if visible)

e) HEADGEAR

(1) Campaign Hats

- (a) Campaign Hat / Dress (Class A, B, C and D) – felt style worn year round. Color is Conservation Green by Stratton; Model F-40 and will be worn with the department issued hat piece.
- (b) Silver acorns affixed by a two piece black chin strap for the ranks: Deputy Sheriff, Correctional Deputy Sheriff, Correctional Officer and Sergeant.
- (c) Gold acorns affixed by a two piece black chin strap for the ranks: Lieutenant, Captain, Assistant Sheriff and Sheriff.
- (d) Campaign Hat (Class B, C and D) – Straw style, Color is Conservation Green by Stratton; Model S-40 and will be worn with the department issued hat piece.
- (e) Two piece black chin strap and leather hat strap for all ranks.

(2) Baseball Cap – (*Modified* Uniform Classes A, B, C and D.) Style as authorized by the Sheriff. (Only to be worn at appropriate times as approved by the Division Captain or as approved in this policy for special team uniforms). Baseball caps will NOT be approved in a blanket fashion for entire divisions and they are not to be worn with the Class A - Full Dress Uniform.

(3) Boonie Style Hat – (Uniform Class D) Solid cloth color to match the Tactical Dress Uniform (TDU).

- (a) Cloth name tag color to match TDU with “SHERIFF” in

respective rank color thread to be sewn on the front of the hat.  
(Only to be worn at appropriate times as approved by the Division Captain or as approved in this policy for special team uniforms). Boonie style hats will NOT be approved in a blanket fashion for entire divisions and they are not to be worn with the Class A, B or C uniforms.

- (4) Other Approved Headgear e.g., Motorcycle Helmet, Riot Helmet, Hard Hat, etc...
- f) PATROL DRESS UNIFORM (PDU) – (Uniform Class C): The PDU is permanent press style cotton / polyester blend uniform and follows the same style and wear regulations as the Class A and Class B uniforms.
- g) TACTICAL DRESS UNIFORM (TDU) – (Uniform Class D): The TDU shall be solid dark green cotton/polyester blend. The dark green TDU is the standard. However, some special teams may be authorized to wear black, tan or a camouflaged print TDU. Refer to your specific Special Unit Uniform Regulations.
  - (1) Shirt
    - (a) Long sleeves – The long sleeve TDU shirt with two-side and two-breast pockets is the standard.
    - (b) Short Sleeves - In some cases, the short sleeve TDU shirt may be authorized. Refer to your specific Special Team or Division regulations.
  - (2) Badge - The metal badge will be worn with the TDU uniform and is the standard. However, some special teams may be authorized to wear the cloth badge (full color or subdued) with the TDU uniform.
    - (a) Metal Badge – Standard as described within this policy.
    - (b) Full Color, Cloth Badge (includes embroidered), full color respective of rank (silver or gold) – Authorized for special units as described within this policy.
    - (c) Subdued Cloth Badge (includes embroidered), subdued – Authorized for special units as described within this policy.
  - (3) Name Tag - The full color cloth name tag (green tape with silver or gold lettering) is the standard for the TDU uniform. However, some special teams may be authorized to wear the subdued Name tag with the subdued Class D uniform.
    - (a) Full Color, Cloth Name Tag (includes embroidered). The standard name tag for this uniform is green tape with respective rank colored lettering (silver or gold). The name

- (b) Subdued – Cloth Name Tag (includes embroidered). Green tape with black lettering or black tape with green lettering depending on TDU color. The name tag shall be sewn or embroidered above right breast pocket and on the left rear pant pocket.
- (4) Shoulder Patches
  - (a) Full Color (Dress Patch) - The departmental colored dress patch is the standard for the TDU and shall be sewn on each shoulder.
  - (b) Subdued Patch – The subdued patch is authorized for wear with the Class D Modified subdued TDU uniform. Refer to your specific Special Team Uniform Regulations.
- (5) Hash Marks - Hash Marks are optional wear on the TDU uniform.
- (6) Trousers – TDU style with two side pockets, two rear pockets and two cargo pockets. Trousers are to be worn bloused. Cloth name tag on left rear pocket.
- (7) Rank Insignia (Refer to Section: UNIFORM DESIGNATION OF RANK)
- (8) Headgear
  - (a) Campaign Hat, Felt is the standard.
  - (b) Campaign Hat, Straw.
  - (c) Baseball Cap – Authorized Style
  - (d) “Boonie” style hat, Color to match pants and shirt.
  - (e) Name Tag – Full color, cloth color to match hat, with “SHERIFF,” in respective rank color thread (gold or silver) embroidered and sewn on the front of the hat.
  - (f) Duty Belt Equipment - All duty belts and attached safety equipment will be solid black in color and may include colored metal e.g. buckles and snaps. Any belts or equipment with colored metal parts shall only be black or colored respective to rank (silver colored/chrome or yellow gold).
- (9) Leather Gear – All leather gear will be Black basket weave leather or faux leather.

- (a) Duty belt
  - (b) Belts with Velcro closures or may be worn.
  - (c) Holsters
  - (d) Issued uniform holsters will be black basket weave
  - (e) All off duty and plain-clothes holsters will be of such a design that it will securely hold the firearm, will remain unobtrusive and will be compatible with the dress of the deputy.
  - (f) Miscellaneous Equipment: All pouches, keepers, or other items worn on the duty belt must be black basket weave leather for the leather duty belt or nylon for the nylon duty belt.
  - (g) Any issued or non-issued exposed pager or cell phone must be black or silver in color and may be worn on the duty belt.
- (10) Nylon Gear – Nylon gear may be authorized for medical reasons or for special team wear. Refer to your Special Team or Division regulations.
- (11) Other Equipment
- (a) Baton specifications
  - (b) Plain baton - standard 26" or 29" baton with rubber grommet. Black or dark wood. No leather thongs or other devices are allowed.
  - (c) ASP (expandable) baton - standard 16", 21", 26" or 31" baton in black basket weave case. (May be carried after completion of a Sheriff's Office authorized training class.)
  - (d) Handcuffs - standard handcuffs with closed-type case.

## 8. SPECIAL UNIT UNIFORMS AND ACCESSORY SPECIFICATIONS

- a) BICYCLE PATROL UNIFORM – Uniform Class D Modified. Solid black cargo shorts and white polo shirt.
  - (1) Shirts – white or other approved color, short or long sleeve polo type shirt (long sleeve shirts to be fitted at the wrists) with a collar and top buttons.
  - (2) Badge – Full color respective of rank, cloth badge sewn or embroidered on left breast.

- (3) Name Tag - Full color respective of rank – Last name or first initial and last name embroidered on right breast.
  - (4) Patches or Silk Screen - “Santa Clara County Sheriff” will be in green approximately one inch in height. The lettering will be shadowed in gold, approximately three inches in height. The logo will be a patch or silk screened on upper back of shirt.
  - (5) Shorts – black nylon/cotton blend cargo type or black bicycle shorts.
  - (6) Pants – black nylon/cotton blend cargo type with elastic at the ankles.
  - (7) Socks – (long or short) white socks will be worn with shorts.
  - (8) Footwear – low or medium-cut, solid black, athletic-type shoes.
  - (9) Gloves – required and only black bicycle type will be accepted.
  - (10) Duty belt – a standard-leather or nylon duty belt must be worn.
  - (11) Helmets – bicycle helmets must be worn while in uniform on a marked Sheriff’s Office bicycle. The word “SHERIFF” must be displayed on each side of the helmet.
    - (a) Deputies may use their personal bicycle helmet as long as it is covered with a DEPARTMENT ISSUED black cover with GOLD LETTERS and with the SHERIFF’s LOGO on each side.
- b) CROWD CONTROL UNIT UNIFORM – Uniform Class D Modified. TDU Style, Solid Dark Green, Cotton/Polyester Blend. Shirt, Pants, and Hat to match.
- (1) Shirts
    - (a) TDU style, solid dark green with two breast pockets and must be able to be tucked into pants.
    - (b) Badge – Cloth, full color of respective rank (silver or gold) and to be worn over left breast pocket.
    - (c) Name Tag – Full color, green cloth tape with badge number embroidered in respective rank color (silver or gold) block lettering and sewn above the right shirt pocket and on left rear pant pocket.
    - (d) Shoulder Patch, Full Color – Authorized Sheriff’s Office shoulder patch, color, on each shoulder.
    - (e) American Flag Shield, color, above right breast pocket



- (f) Undershirts - Black cotton/polyester blend – Depending on weather and deployment conditions, members will have available each of the following:
  - (g) Black Crewneck T-shirt
  - (h) Black Turtleneck or Dickie
- (2) Pants – Solid dark green TDU style with two front waist pockets, two rear pockets, and one cargo pocket on each thigh area. Pants are to be worn bloused.
  - (a) Name Tag – Full color, green cloth tape with badge number embroidered in respective rank color (silver or gold) block lettering and sewn on left rear pant pocket.
- (3) Hat – “Boonie” style hat, Solid dark green.
  - (a) Name Tag – Full color, green cloth with “SHERIFF,” in respective rank color thread (gold or silver) embroidered and sewn on the front of the hat.
  - (b) Name Tag – Full color, green cloth with badge number in respective rank color thread (gold or silver) embroidered and sewn on the back of the hat.
- (4) Footwear – Black high top military style boots.
- (5) Gloves, Plain, Black
- (6) Other Equipment that may be worn or issued
  - (a) Riot helmet
  - (b) radio ear piece
  - (c) riot baton
  - (d) gas mask w/case
  - (e) duty belt with all required equipment
  - (f) Hydration System
  - (g) Pads and Guards
- (7) Special Unit Pin
  - (a) American Flag Shield pin may be worn by crowd control unit members as outlined in the general order section entitled, “Other Insignia: Awards, Medals and Pins.

- c) **CRIME SCENE UNIT UNIFORM - Uniform Class D Modified (Subdued).** TDU Style Solid Black, Cotton/Polyester Blend. Shirt, Pants, and Hat to match.

(1) **Shirts**

- (a) TDU style, solid black with two breast pockets and must be able to be tucked into pants.
- (b) Badge – Cloth, Subdued - Black and Dark Green colored thread. Cloth badge to be worn over left breast pocket.
- (c) Name Tag – Subdued, black cloth tape with last name or first initial and last name embroidered in green block lettering and sewn above the right shirt pocket and on left rear pant pocket.
- (d) Shoulder Patch – Subdued, Authorized Sheriff's Office subdued patch on each shoulder.
- (e) Undershirts
- (f) Black Crewneck T-shirt
- (g) Black Turtleneck or Dickie
- (h) Optional Shirt – Polo Shirt, grey or authorized color
- (i) Badge - Full color respective of rank, cloth or embroidered badge on left breast

- (2) **Pants – Solid black TDU style with two front waist pockets, two rear pockets, and one cargo pocket on each thigh area. Pants are to be worn bloused.**

- (a) Name Tag – Subdued, black cloth tape with last name or first initial and last name embroidered in green block lettering and sewn on left rear pant pocket.

- (3) **Jacket, “Hidden Agenda” – black with pull down cloth deputy badge on left chest, pull down cloth “SHERIFF” placards for right chest and back in yellow lettering. Authorized by division captain.**

- (4) **Hat – “Boonie” style hat, solid black.**

- (a) Name Tag - Subdued, black cloth with “SHERIFF,” in green block lettering embroidered and sewn on the front of the hat.

- (5) **Footwear – black, leather, high top military style jump boots.**

- d) **BOMB SQUAD UNIFORM - Uniform Class D Modified (Subdued).** TDU Style, Solid Green Pants with Solid Green Shirt, Cotton/Polyester Blend.

- (1) Shirts
  - (a) TDU style, solid green with two breast pockets and must be able to be tucked into pants.
  - (b) Badge – Cloth, Subdued - Black and Dark Green colored thread. Cloth badge to be worn over left breast pocket.
  - (c) Name Tag – Subdued, green cloth tape with last name or first initial and last name embroidered in black block lettering and sewn above the right shirt pocket.
  - (d) Shoulder Patch – Subdued, Black and Green – Authorized Sheriff's Office shoulder patch on each shoulder.
  - (e) Patch, "BOMB SQUAD" – Subdued, Green and Black to be sewn on upper back of the TDU shirt.
  - (f) Undershirts
  - (g) Black Crewneck T-shirt
  - (h) Black Turtleneck or Dickie
- (2) Pants – Solid black TDU style with two front waist pockets, two rear pockets, and one cargo pocket on each thigh area. Pants are to be worn bloused.
  - (a) Name Tag – Subdued, green cloth tape with last name or first initial and last name embroidered in black block lettering and sewn on left rear pant pocket.
- (3) Hat – "Boonie" style hat, solid green.
  - (a) Name Tag - Subdued, green cloth with "SHERIFF," in black block lettering embroidered and sewn on the front of the hat.
- (4) Footwear – black, leather, high top military style jump boots.
- (5) Special Unit Pin
  - (a) When wearing the uniform of the day or Class A uniform, all Bomb Technicians are authorized to wear the "HDS" pin over their name tag. as outlined in the general order section entitled, "Other Insignia: Awards, Medals and Pins."
- e) SHERIFF'S EMERGENCY RESPONSE TEAM (SERT) UNIFORM-Uniform Class D Modified (Subdued / Camouflaged.) TDU Style with authorized Camouflage Pattern, Cotton/Polyester Blend. Shirt, Pants, and Hat to match.

(1) Shirts

- (a) TDU style in authorized camouflage pattern with two breast pockets and must be able to be tucked into pants.
- (b) Name Tag – Subdued, green cloth tape with last name or first initial and last name embroidered in black block lettering and sewn above the right shirt pocket and on left rear pant pocket.
- (c) Name Tag – Subdued, green cloth tape with “SERT” embroidered in black block lettering and sewn above the left shirt pocket.
- (d) Badge – Cloth, Subdued - Black and Dark Green colored thread. Cloth badge to be worn over left breast pocket and above “SERT” name tag.
- (e) Shoulder Patch – Subdued. Authorized Sheriff’s Office subdued shoulder patch on each shoulder.
- (f) Undershirts
- (g) Black Crewneck T-shirt
- (h) Black Turtleneck or Dickie
- (i) Sweatshirt - In cold or inclement weather, black hooded or hoodless sweatshirts with “SERT Sans Peur” embroidered on the left breast in green thread or department issued.

(2) Pants – Authorized camouflage pattern TDU style with two front waist pockets, two rear pockets, and one cargo pocket on each thigh area. Pants are to be worn bloused.

- (a) Name Tag – Subdued, green cloth tape with last name or first initial and last name embroidered in black block lettering and sewn on left rear pant pocket.

(3) Headgear

- (a) Hat “Boonie” style hat, authorized camouflage pattern.
- (b) Name Tag - Subdued, green cloth with “SHERIFF,” in black block lettering embroidered and sewn on the front of the hat.
- (c) Baseball Cap – Solid black with “SERT” embroidered in green block lettering on the front of the hat.
- (d) Ballistic Helmet

(4) Footwear – black or approved color or camouflage pattern, leather or

other approved material, high top military style boots.

- (5) Gloves – Green Nomex or other approved special purpose hand gear.
- (6) Rain Poncho, black, green or approved camouflage pattern.
- (7) Socks - Outer layer must be black.
- (8) Special Unit Pin
  - (a) Sheriff's Emergency Response Team (SERT) pin may be worn by members of the Sheriff's Emergency Response Team as outlined in the general order section entitled, "Other Insignia: Awards, Medals and Pins.

f) **MOTORCYCLE TRAFFIC ENFORCEMENT UNIT UNIFORM** – The standard duty uniform for the Motorcycle Traffic Enforcement Unit is Class A Modified and B Modified. The Class C or D uniform may be authorized by the Division Commander for specific purposes, e.g. motorcycle riding skills training or foul weather. The following uniform modifications are also approved:

- (1) Headgear
  - (a) Safety Helmet – open faced or an approved closed face, flip-up style, painted green and tan. The helmet shall meet the federal standards imposed by Federal Motor Vehicle Safety Standard No. 218 (49 C.F.R. Sec. 571.218)
  - (b) Baseball Cap – Authorized style
- (2) Undershirts
  - (a) White Crewneck Undershirt
  - (b) White Turtleneck Shirt or Dickie may be worn with long sleeve Class A shirts.
- (3) Boots – Knee high black leather "riding style" with lace ties.
- (4) Gloves – Solid black or tan gloves.
- (5) Safety Glasses – Clear, yellow, or polarized.
- (6) Jacket, Leather or Nylon, plain black and may have, a liner, padded inserts, reflecting stripes and/or removable sleeves. (Optional Wear) – Style as approved by Sheriff. The Office will purchase only one style as Safety Equipment.
  - (a) Badge – Metal badge to be worn on the left breast of jacket. Cloth badge approved for liner if cloth name tape is also worn

on right breast.

(7) Motor britches.

(8) Special Unit Pin

(a) Winged Wheel pins may be worn by members of the Motorcycle Traffic Enforcement Unit as outlined in the general order section entitled, "Other Insignia: Awards, Medals and Pins.

g) SHERIFF'S OFF ROAD ENFORCEMENT UNIT (SORE) UNIFORM – Uniform Class D Modified. TDU Style, Solid Dark Green, Cotton/Polyester Blend. Shirt, Pants, and Hat to match.

(1) Shirts

(a) TDU style, solid dark green with two breast pockets and must be able to be tucked into pants.

(b) Badge – Cloth, full color of respective rank (silver or gold). Cloth badge to be worn over left breast pocket.

(c) Name Tag – Full color, green cloth tape with last name or first initial and last name embroidered in respective rank color (silver or gold) block lettering and sewn above the right shirt pocket and on left rear pant pocket.

(d) Shoulder Patch, Full Color – Authorized Sheriff's Office shoulder patch, color, on each shoulder.

(e) Undershirts

(f) Black Crewneck T-shirt

(g) Black Turtleneck or Dickie

(2) Pants – Solid dark green TDU style with two front waist pockets, two rear pockets, and one cargo pocket on each thigh area. Pants are to be worn bloused.

(a) Name Tag – Full color, green cloth tape with badge number embroidered in respective rank color (silver or gold) block lettering and sewn on left rear pant pocket.

(3) Headgear

(a) Safety Helmet – Full face, motocross style, white or painted green and tan. The helmet shall meet the federal standards imposed by Federal Motor Vehicle Safety Standard No. 218

(49 C.F.R. Sec. 571.218)

- (b) Baseball Cap – Authorized style
- (c) Hat – “Boonie” style hat, Solid dark green.
- (d) Name Tag – Full color, green cloth with “SHERIFF,” in respective rank color thread (gold or silver) embroidered and sewn on the front of the hat.
- (e) Baseball Cap – Authorized style
- (f) Goggles, Dirt bike style with dark colored strap.
- (4) Boots: Black, full length, dirt bike style.
- (5) Duty belt with safety gear:
  - (a) Nylon gear authorized, black with holster, handcuffs case, ASP holder, OC spray and magazine holder.
  - (b) Standard leather gear with safety equipment may also be worn.
- (6) Gloves – Dirt bike style, black or tan
- (7) Jacket – Touring style, nylon, plain black and may have padded inserts, reflecting stripes and/or removable sleeves.
  - (a) Name Tag – Full color, black cloth tape with last name or first initial and last name embroidered in respective rank color (silver or gold) block lettering and sewn on right breast.
  - (b) Shoulder Patches – Full color, authorized Sheriff’s Office shoulder patch on each shoulder.
- (8) Other Equipment that may be worn or issued
  - (a) Hydration System
  - (b) Pads and Guards
  - (c) Tactical Vest
- (9) Special Unit Pin
  - (a) SORE pin may be worn by members of the SORE Unit as outlined in the general order section entitled, “Other Insignia: Awards, Medals and Pins.
  - (b) HONOR GUARD UNIFORM – The Class A (Full Dress)

uniform will be the standard uniform for members of the Honor Guard. The following uniform modifications are also mandatory:

- (10) White Gloves
- (11) Special Unit Pin
  - (a) Honor Guard pin may be worn by members of the Honor Guard as outlined in the general order section entitled, "Other Insignia: Awards, Medals and Pins."
- h) UNDERWATER SEARCH UNIT (USU) UNIFORM – Uniform Class D Modified. TDU style pants, black, cotton/polyester blend. Polo shirt, green.
  - (1) Shirt – Dark green short sleeve polo shirt.
    - (a) Badge – Cloth (Embroidered), Underwater Search Unit Deputy Sheriff Badge embroidered above the left breast.
    - (b) Name Tag - Embroidered last name or first initial and last name and badge number above the right breast.
  - (2) Pants – Solid black TDU style with two front waist pockets, two rear pockets, and one cargo pocket on each thigh area. Pants are to be worn bloused.
    - (a) Name Tag – Full color, black cloth tape with last name or first initial and last name embroidered in respective rank color (silver or gold) block lettering and sewn on left rear pant pocket.
  - (3) Headgear
    - (a) Baseball Cap - Dark green with the Underwater Search Deputy Sheriff badge embroidered on front face and "Underwater Search" embroidered on the rear.
    - (b) Hat – "Boonie" style hat, Solid dark green.
    - (c) Name Tag – Full color, green cloth with "SHERIFF," in respective rank color thread (gold or silver) embroidered and sewn on the front of the hat.
  - (4) Special Unit Pin
    - (a) Underwater Search Unit (USU) Diver pin may be worn by members of the Underwater Search Unit as outlined in the general order section entitled, "Other Insignia: Awards, Medals and Pins."



## 9. OTHER INSIGNIA

### a) Awards, Ribbons, Medals and Pins

- (1) A combination of three awards and special pins may be worn at any one time on the dress shirt and Ike jacket. However, no more than two pins may be worn at one time. All awards, medals and pins must be pre-approved by the Sheriff. (For a list of approved awards, medals and pins contact Personnel and Training.) Unless otherwise specified, awards, ribbons, medals and pins are to be worn directly above the Name tag and centered above the right pocket.
  - (a) Ribbons will be worn stacked, centered above the Name tag and below any other pins or awards.
  - (b) Other pins and awards (no more than two) will be worn "stacked" centered above any ribbons or above the Name tag if no other ribbons.
- (2) Motorcycle traffic enforcement deputies - Silver Winged Wheel pins to be worn on each shirt collar and do not count as part of the two pin limitation discussed above in 3.a) (1).

## 10. UNIFORM DESIGNATION OF RANK

### a) Sergeant's Uniform

- (1) Triple Chevrons Patch– Blue with gold and black outline.
  - (a) Shirt - One triple chevron patch will be sewn on each sleeve of all shirts and jackets (with the exception of polo shirts) one half inch directly below the bottom of the shoulder patch.
  - (b) Jackets
  - (c) Field Jackets – One triple chevron patch will be sewn on each sleeve of all jackets (with the exception of rain gear and Hidden Agenda jackets) one half inch directly below the bottom of the shoulder patch.
- (2) Cloth Stripes
  - (a) Jacket (Ike Jacket) – plain, no cuffs or buttons, with one one-half inch wide silver stripe. Stripe to be three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides).
  - (b) Pants – Silver colored one-half inch wide cloth stripe to be sewn on each Class A and B pant starting from the bottom of the side pockets to the bottom of the pant leg.

- (3) Headgear
  - (a) Hat Piece
  - (b) Silver color with the word "Sergeant" across the top.
  - (c) Silver color with the words "Correctional Sergeant" across the top.
- b) Lieutenant's Uniform
  - (1) Single Bar Pin, Yellow Gold in Color
    - (a) Jacket - One large (1" x 3/8") single bar pin, yellow gold in color to be pinned on each shoulder strap of the jacket three-fourths inch from and parallel to the shoulder seam of the garment.
    - (b) Shirt – One small (3/4" x 5/16") single bar pin, yellow gold in color to be pinned on each collar three-fourths inch from and parallel to collar flap front and midway between top and bottom of collar flap. Bar is to be three-fourths inch in length and five-sixteenths inch in width.
  - (2) Cloth Stripes
    - (a) Jacket (Ike Jacket) – plain, no cuffs or buttons, with one one-half inch wide yellow gold stripe. Stripe to be three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides).
    - (b) Pants – Yellow gold colored one-half inch wide cloth stripe to be sewn on each Class A and B pant starting from the bottom of the side pockets to the bottom of the pant leg.
  - (3) Headgear
    - (a) Hat Piece
    - (b) Yellow gold color with the word "Lieutenant" across the top.
    - (c) Yellow gold color with the word "Correctional Lieutenant" across the top.
    - (d) Yellow gold acorns affixed by a two piece black chin strap on the Campaign Hat.
  - (4) Metal Pieces - all visible metal pieces on leather gear and name tags to be yellow gold in color.
  - (5) Jacket (Ike Jacket) – plain, no cuffs or buttons, with one one-half inch

wide yellow gold stripe. Stripe to be three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides).

c) Captain's Uniform

(1) Double Bar Pin, Yellow Gold in Color

- (a) Jacket - One large (1" x 1") Double bar pin, yellow gold in color to be pinned on each shoulder strap of the jacket three-fourths inch from and parallel to the shoulder seam of the garment.
- (b) Shirt - One small (3/4" x 3/4") double bar pin, yellow gold in color to be pinned on each collar three-fourths inch from and parallel to collar flap front and midway between top and bottom of collar flap. Bar is to be three-fourths inch in length and five-sixteenths inch in width.

(2) Cloth Stripes

- (a) Jacket (Ike Jacket) - plain, no cuffs or buttons, with one one-half inch wide yellow gold stripe. Stripe to be three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides).
- (b) Pants - Yellow gold colored one-half inch wide cloth stripe to be sewn on each Class A and B pant starting from the bottom of the side pockets to the bottom of the pant leg.

(3) Headgear

- (a) Hat Piece
- (b) Yellow gold color with the word "Captain" across the top.
- (c) Yellow gold color with the word "Correctional Captain" across the top.
- (d) Yellow gold acorns affixed by a two piece black chin strap on the Campaign Hat.

(4) Metal Pieces - all visible metal pieces on leather gear and name tags to be yellow gold in color.

(5) Jacket (Ike Jacket) - plain, no cuffs or buttons, with one one-half inch wide yellow gold stripe. Stripe to be three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides).

d) Assistant Sheriff's Uniform

(1) Two Five-Pointed Stars Pin, Yellow Gold in Color

- (a) Jacket - One large (1 1/4" x 3/4") two five-pointed stars pin, yellow gold in color to be pinned on each shoulder strap of the jacket three-fourths inch from and parallel to the shoulder seam of the garment.
- (b) Shirt - One small (1 1/8" x 1/2") two five-pointed stars pin, yellow gold in color to be pinned on each collar three-fourths inch from and parallel to collar flap front and midway between top and bottom of collar flap. Bar is to be three-fourths inch in length and five-sixteenths inch in width.

(2) Cloth Stripes

- (a) Jacket (Ike Jacket) - plain, no cuffs or buttons, with two one-half inch wide yellow gold stripes. Stripes to start at three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides). Subsequent stripes will be placed one-quarter inch apart moving up the sleeve.
- (b) Pants - Yellow gold colored one-half inch wide cloth stripe to be sewn on each Class A and B pant starting from the bottom of the side pockets to the bottom of the pant leg.

(3) Headgear

- (a) Hat Piece
- (b) Yellow gold color with the word "Assistant Sheriff" across the top.
- (c) Yellow old acorns affixed by a two piece black chin strap on the Campaign Hat.

(4) Metal Pieces - all visible metal pieces on leather gear and name tags to be yellow gold in color.

(5) Jacket (Ike Jacket) - plain, no cuffs or buttons, with two one-half inch wide yellow gold stripe. Stripes to be three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides).

e) Undersheriff's Uniform

(1) Three Five-Pointed Stars Pin, Yellow Gold in Color

- (a) Jacket - One large (1 3/4" x 3/4") three five-pointed stars pin, yellow gold in color to be pinned on each shoulder strap of the jacket three-fourths inch from and parallel to the shoulder seam of the garment.
- (b) Shirt – One small (1 1/2" x 1/2") three five-pointed stars pin, yellow gold in color to be pinned on each collar three-fourths inch from and parallel to collar flap front and midway between top and bottom of collar flap. Bar is to be three-fourths inch in length and five-sixteenths inch in width.

(2) Cloth Stripes

- (a) Jacket (Ike Jacket) – plain, no cuffs or buttons, with three one-half inch wide yellow gold stripes. Stripes to start at three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides). Subsequent stripes will be placed one-quarter inch apart moving up the sleeve.
- (b) Pants – Yellow gold colored one-half inch wide cloth stripe to be sewn on each Class A and B pant starting from the bottom of the side pockets to the bottom of the pant leg.

(3) Headgear

- (a) Hat Piece (Campaign Hat or Round)
- (b) Yellow gold color with the word "Undersheriff" across the top.
- (c) Campaign Hat - Yellow gold acorns affixed by a two piece black chin strap on the Campaign Hat.
- (d) Round - Dark green with gold colored brim cord and a polished black visor with gold colored oak leaves.

(4) Metal Pieces - all visible metal pieces on leather gear and name tags to be yellow gold in color.

- (a) Jacket (Ike Jacket) – plain, no cuffs or buttons, with three one-half inch wide yellow gold stripe. Stripes to be three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides).

f) Sheriff's Uniform

(1) Four Five-Pointed Stars Pin, Yellow Gold in Color

- (a) Jacket - One large (2" x 3/4") four five-pointed stars pin,

yellow gold in color to be pinned on each shoulder strap of the jacket three-fourths inch from and parallel to the shoulder seam of the garment.

- (b) Shirt – One small (1 3/4" x 1/2") four five-pointed stars pin, yellow gold in color to be pinned on each collar three-fourths inch from and parallel to collar flap front and midway between top and bottom of collar flap. Bar is to be three-fourths inch in length and five-sixteenths inch in width.

(2) Cloth Stripes

- (a) Jacket (Ike Jacket) – plain, no cuffs or buttons, with four one-half inch wide yellow gold stripes. Stripes to start at three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides). Subsequent stripes will be placed one-quarter inch apart moving up the sleeve.
- (b) Pants – Yellow gold colored one-half inch wide cloth stripe to be sewn on each Class A and B pant starting from the bottom of the side pockets to the bottom of the pant leg.

(3) Headgear

- (a) Hat Piece (Campaign Hat or Round)
- (b) Yellow gold color with the word "Sheriff" across the top.
- (c) Campaign Hat - Yellow gold acorns affixed by a two piece black chin strap on the Campaign Hat.
- (d) Round - Dark green with gold colored brim cord and a polished black visor with gold colored oak leaves.

- (4) Metal Pieces - all visible metal pieces on leather gear and name tags to be yellow gold in color.

- (5) Jacket (Ike Jacket) – plain, no cuffs or buttons, with four one-half inch wide yellow gold stripe. Stripes to be three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides).

11. REQUIRED ACCESSORIES FOR SWORN PERSONNEL WHILE IN DEPARTMENT UNIFORM

- a) Other Mandatory Accessories and Equipment – In addition to complying with all uniform regulations contained within this policy, all badge personnel will at minimum maintain and utilize the following while on duty and in uniform:

- (1) Duty Belt
  - (a) Holster
  - (b) Issued handgun with full magazine
  - (c) Two full extra magazines
  - (d) Handcuff Case
  - (e) Handcuffs (Approved Style)
  - (f) Handcuff Key
  - (g) O.C. Canister (Full and Operational)
  - (h) O.C. Canister Holder
  - (i) Baton Ring or Asp Holder
  - (j) Baton or Asp
  - (k) Black Flashlight
  - (l) Whistle
  - (m) Department Identification Card
  - (n) Miranda Card
  - (o) Valid California Driver's License
  - (p) Valid County Driver's License
  - (q) Writing Instrument (Pen and/or Pencil)

**D. NON-SWORN PERSONNEL**

- 1. All non-sworn personnel provided with a uniform allowance shall appear for their shift in their required uniforms while performing their duties unless otherwise excused by their supervisor. If not in uniform, a uniform must be available upon immediate notice and the clothing worn during the shift shall be appropriate business attire.
- 2. NON-SWORN UNIFORM CLASSES: The Class A and Class B uniforms are standard duty wear. The modified wear of these Uniform Classes require Supervisor Approval.
  - a) NON-SWORN CLASS A: Long Sleeve Full Dress Uniform
    - (1) Black Dress Trousers or Skirt
    - (2) White Long Sleeve Shirt
    - (3) White Crewneck Undershirt (Optional)
    - (4) Necktie
    - (5) Black Shoes or Boots
    - (6) Black Socks when wearing trousers.
    - (7) Black Belt

b) NON-SWORN CLASS A (Modified): The Class A uniform may be modified in the following manner with authorization:

- (1) White Short-Sleeve Shirt
- (2) No Necktie
- (3) White Turtleneck or Dickie (No Unapproved Logos)

c) NON-SWORN CLASS B: Casual Dress / Utility Uniform

- (1) Black Tactical Pants (not bloused) or Skirt
- (2) Black Long-Sleeve or Short Sleeve polo style shirt
- (3) Black Turtleneck or Dickie (Optional)
- (4) Black Shoes or Boots
- (5) Black Socks when wearing pants.
- (6) Black Belt

3. NON-SWORN UNIFORM CONDITION REQUIREMENTS:

- a) All classes of uniform attire listed above will be clean and neatly pressed. Shoes and/or boots and all other leather gear will be kept dyed and polished. Metal accessories shall be shined.

4. NON-SWORN UNIFORM ACCESSORIES

- a) NAME TAGS - Employees shall wear the proper name tag at all times.

- (1) METAL – (Uniform Classes A and Sweaters) Metal tag, gold in color, with engraved block letters of the last name in black ink, or first initial and last name on the first line. The title of position held or unit assigned may be engraved on a second line. The metal name tag is the standard for all Class A uniforms. The metal name tag will be worn on the right side of white shirts, black sweaters and black sweater vests.
- (2) CLOTH / EMBROIDERED – (Uniform Class B and Outerwear) 1” x 5” standard military style name tag with embroidered block letters of the last name in silver thread, or first initial and last name. Name may be embroidered in silver thread directly onto right side of garment.

- b) SHERIFF’S PATCH: CLOTH / EMBROIDERED – (Uniform Classes A and B and Outerwear) small style Sheriff’s Patch sewn or embroidered.



- c) BELT: Plain black leather with gold or silver in color buckle

5. NON-SWORN STANDARD UNIFORMS AND ACCESSORY SPECIFICATIONS

- a) OUTERWEAR (items to be worn at employee's discretion unless ordered to wear item-specific accessories per this Order or by a supervisor)

- (1) JACKET – Field style as approved by the sheriff; black in color, cotton / polyester blend, water resistant with optional liner, Slit pockets in front of jacket.

- (a) Sheriff's Patch to be sewn or embroidered above left breast

- (b) Name tag – Cloth or embroidered and to be worn on the right side.

- (2) SWEATER / SWEATER VEST – V-neck Cardigan, 2 pockets, transfer ribbed cuffs and hemmed bottom band or V-neck pullover sweater vest. Style as approved by the Sheriff. Black, knit jersey of acrylic fiber, cotton or polyester / cotton blend

- (a) Sheriff's Patch to be sewn or embroidered above left breast

- (b) Name tag - Metal to be worn on right side.

- b) SHIRTS

- (1) NON-SWORN CLASS A: Long Sleeve and Short Sleeve – White, collard, aviator style as approved by the Sheriff. Cotton / polyester blend with white buttons and epaulets that also button. Sewn in military creases approved.

- (a) Sheriff's Patch to be sewn or embroidered above left breast

- (b) Name tag - Metal to be worn on right side and aligned with the top of the pocket.

- (2) NON-SWORN CLASS B: Long Sleeve and Short Sleeve – Black polo style as approved by the Sheriff. Collared, cotton, knit, or cotton / polyester blend.

- (a) Sheriff's Patch to be sewn or embroidered above left breast

- (b) Name tag – Cloth or embroidered and to be worn on the right side.

- c) NECKWEAR (Class A Uniform)

- (1) Plain black necktie, Four-in-hand knot, clip-on only, plain gold in color tie bar or County years-of-service tie tack is authorized as optional wear.

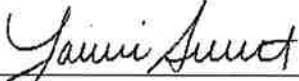
- (2) Plain black necktie, cross-style for female personnel is authorized as optional wear.
- d) TROUSERS
  - (1) NON-SWORN CLASS A: Black dress pants, style as approved by the Sheriff, polyester, wool, cotton or blended material. Plain leg, no outside cuffs.
  - (2) NON-SWORN CLASS B: Black tactical pants, cotton, polyester or blended material. Plain leg, no outside cuffs and not to be worn bloused or tucked into boots.
- e) SKIRTS – Note: Optional wear except for Custody Support Assistants and Sheriff's Technicians.
  - (1) NON-SWORN CLASS A: Black pencil style or modified A-line kick pleat. Style as approved by the Sheriff, Polyester, wool, cotton or blended material. The hem must be worn at a range of just above the knee to right below the knee. Uniform shirt must be worn tucked in when wearing a skirt.
- f) FOOTWEAR
  - (1) NON-SWORN CLASS A and B:
    - (a) Shoes, plain black, with a plain toe, to be worn with black socks.
    - (b) Boots, plain black ankle-high boots with plain toes to be worn with black socks.
    - (c) Pumps, No more than 2" high. (Keep safety in mind.) Sandals, Zories, or similar footwear not permitted. The wearing of flesh colored nylons is optional.
- g) HEADGEAR - Optional wear for Sheriff's Technicians and Custody Support Assistants Only.
  - (1) Baseball Cap – Style as approved by the Sheriff and wear as authorized by Division Captain. Black with small Sheriff's Patch sewn or embroidered on face.
- h) MATERNITY WEAR
  - (1) The uniform is not required wear for pregnant employees Professional business attire is approved as maternity wear. However, employees are not precluded from wearing the maternity style equivalent to their daily uniform.

- i) AWARDS AND OTHER INSIGNIA – to be worn above right breast pocket
  - (1) Sheriff's Leadership Development (SLD)
  - (2) Small American Flag
  - (3) Years of Service Pin
  - (4) Others as authorized by the Sheriff
- j) MEDICAL EXEMPTIONS
  - (1) A written medical excuse from a physician is required to exempt an employee from wearing any uniform standards listed above.

**E. UNIFORM COMMITTEE**

- 1. The uniform committee makes recommendations to the Sheriff regarding uniform policy, standards, and specifications. The committee will forward its recommendations to the Sheriff, who will make the final determination.
- 2. The uniform committee may contact a manufacturer, supplier or vendor to consider new items, or when it is determined that an item being sold or offered for sale to members of the Sheriff's Office may fail to meet the agency's standards or specifications.
- 3. The uniform committee shall consist of: Personnel and Training Division Captain or his or her designee, one representative each from the DSA and SEIU Local 521, at least one male deputy and one female deputy, one representative designated by each division captain.
- 4. The chairperson of the committee will be designated by the Personnel and Training Division Captain. The chairperson will convene meetings of the committee as needed, but no less than once per year.
- 5. Any member of the Sheriff's Office may submit a recommendation regarding uniforms directly to the uniform committee. Each recommendation will contain a statement of the reason for the recommendation, the proposed addition or change, a description of any research conducted, and any samples, drawings, supportive literature or data of the proposed addition or change.

**NOTE:** Over time, it may become difficult to find specific items of uniform apparel as outlined in this policy. There are several reasons for this, i.e., clothing manufacturers go out of business, change proprietors and/or start buying different fabric or dyes for the manufacturing process. This can cause not only the shades of green and tan to change slightly, but fit and protection can be altered as well. Styles and safety equipment also change over time based on lessons learned and best practices. Therefore, it is incumbent upon every member of the Sheriff's Office to confirm uniform standards as to manufacturer, style, and color prior to purchase. **An approved Uniform Specification Sheet can be obtained in the Personnel and Training Division.**

  
LAURIE SMITH  
SHERIFF



## **PROTECTIVE VESTS GENERAL ORDER #10.02**

Adopted: 07/11/2011  
Replaces: G.O. #10.02 dated 7/7/2010

Updated: 07/11/2011  
Reviewed: 07/11/2011

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### **POLICY**

The concealed soft body armor protective vest is provided to deputies for their personal protection during normal operations and working hours. All Deputies are encouraged to wear the vest under their uniform shirt or civilian clothing while on duty and regardless of their assignment. If the protective vest is not worn, the vest must be immediately available to all on-duty deputies.

### **PROCEDURE**

#### **I. GUIDELINES FOR WEAR**

##### **A. MANDATORY WEAR**

1. Deputies assigned to Field Operations shall wear the soft body armor vest except as authorized by the Division Commander.
2. Deputies shall wear the soft body armor vest in making forced entry to a building during field operations.

##### **B. OPTIONAL WEAR**

1. The soft body armor vest is optional wear for Deputies not assigned to Field Operations or as authorized by the Division Commander.
  - a) The vest must be immediately available to all on-duty deputies.

## **II. SPECIFICATIONS**

- A. The soft body armor vest required by the Sheriff's office will be lightweight, flexible, concealable, able to provide protection against blunt trauma, and able to provide protection against projectile penetration.
- B. All soft body armor issued by the Sheriff's Office shall meet the standards set by the Department of Justice.
- C. The required soft body armor vest of the Sheriff's Office shall consist of front and back ballistic-protective panels. The panels shall be encased within an outer vest garment carrier.
- D. Deputies may utilize the body armor issued by the Sheriff's Office or any body armor which meets or exceeds minimum department standards for durability, impact-resistance, and comfort.
- E. The vest shall be designed to provide adequate stability on the body under all conditions of use that might normally occur on active duty. To provide proper fit, all shoulder and side straps shall be adjusted with velcro fasteners. The top of the front panel shall be moderately scooped and the top corners tapered to provide maximum concealability and freedom of movement.
- F. The minimum vest threat level shall be Level II, as certified.



**LAURIE SMITH  
SHERIFF**



## **GROOMING AND APPEARANCE GENERAL ORDER #10.03**

Adopted: 07/07/2010  
Replaces: G.O. #10.03 dated 1/10/02

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

All on-duty Sheriff's Office personnel will present a professional image in their grooming and appearance. All personnel will exhibit a neat, clean, business-like appearance at all times, unless required to appear otherwise due to particular duties or responsibilities. All on-duty personnel shall abide by the Sheriff's Office standards for grooming and appearance, unless an exception is granted by the Sheriff, the Undersheriff, a Assistant Sheriff, or a division captain due to particular duties or responsibilities.

### **PROCEDURE**

#### **A. STANDARDS FOR GROOMING AND APPEARANCE**

1. Hair and headgear (male and female)
  - a. Hair will be neat, clean, and present a well-groomed professional appearance.
  - b. Varying hair styles are permitted so long as they do not interfere with proper wearing of Sheriff's Office headgear or gas mask. Exaggerated or bizarre styles are not permitted and hairstyles will not reflect radical fashions or styles.
  - c. Departmental headgear must fit properly and in no case shall the bulk or length of hair interfere with the proper wearing of Sheriff's Office headgear or gas mask.
  - d. Wigs and hairpieces that meet the Sheriff's Office standards for hair and headgear are acceptable.

**2. Hair (male)**

- a.** Hair will be trimmed so that it does not extend over the top of the shirt collar.
- b.** Sideburns shall be neatly trimmed and not extend below the bottom of the ear lobe.
- c.** If a mustache is worn, it will be well-groomed and neatly trimmed in order not to present a ragged or extreme appearance. Mustaches will not extend below the lower lip line. "Handlebar" and "fu manchu" mustaches are not permitted.
- d.** Goatees or beards are permitted for non-sworn personnel only and must be well kept and trimmed.

**3. Hair (female)**

- a.** Hair is to be secured in a manner to maintain professional appearance and not to interfere with the safe performance of duties.
- b.** Pins, combs, or barrettes may be worn.

**4. Fingernails**

- a.** Fingernail length is to be maintained to provide a professional appearance and not to interfere with the safe performance of duties.
- b.** Nail color should be conservative, not distracting. Multi-colored or designed nails are not permitted.

**5. Jewelry (male and female)**

- a.** Jewelry (costume or valuable) will not be worn visibly with the Sheriff's Office uniform, except:
  - 1.** Two rings may be worn. A wedding ring and an engagement ring worn together will be considered as one ring.
  - 2.** A wristwatch may be worn. It should appear conservative. Exaggerated or bizarre styles are not authorized.
  - 3.** Medical alert bracelet or a similar type of health protection device may be worn.



4. Female deputies and female Sheriff's technicians may wear a single silver-colored or gold-colored metal "post" type earring in each ear lobe. Each earring shall be no larger than 3/8" with no more than one earring per ear. Other Sheriff's Office female employees may wear earrings which shall be no larger than 1 1/2" with not more than two earrings per ear. Female Sheriff's Office civilian personnel may wear no more than two bracelets which do not interfere with the safe performance of duties.

6. Tattoos, scarifications, and brands

a. Definitions:

1. Tattoo – the act or practice of marking the skin with indelible designs, forms, figures, art, etc., by making punctures in the skin and inserting pigment.
2. Scarification – the act of intentional cutting of the skin for the purpose of creating a design, form figure or art.
3. Branding – the act of intentional burning of the skin for the purpose of creating a design, form, figure or art.
4. Inappropriate tattoo, scarification or brand – Any markings considered inappropriate, unprofessional or offensive, regardless of its location, by any member of the Sheriff's Office while on duty, or representing the Office in any official capacity. The following includes, but is not limited to, the types of tattoos, scarifications or brands unauthorized by this order:
  - Depictions of nudity or violence.
  - Sexually explicit or vulgar art, words, phrases or profane language.
  - Symbols likely to incite a strong reaction in the workplace, e.g., swastikas, pentagrams or similar symbols.
  - Initials, acronyms or numbers that represent criminal or historically oppressive organizations, e.g., AB, KKK, SS, MM, BGF, HA, 666 or any gang street names, numbers, and/or symbols.

**b. Uniformed Personnel**

1. Any tattoos, scarifications or brands worn by uniformed personnel shall not be visible while on duty or representing the Sheriff's Office in any official capacity. These markings shall be covered with an approved uniform including, but not limited to, a long-sleeve shirt, jacket, sweater, or pants.

**c. Non-uniformed Personnel**

1. Any tattoos, scarifications or brands worn by non-uniformed personnel shall not be visible while on duty or representing the Sheriff's Office in any official capacity. These markings shall be covered with approved clothing as outlined in the General Orders.

**d. Covering of inappropriate tattoo, scarification, or brand**

1. Any inappropriate tattoo, scarification, or brand shall be covered by clothing, or a bandage of similar color to the wearer's skin tone, at all times while utilizing Sheriff's Office facilities or equipment.

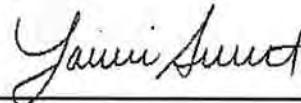
**e. Exemptions**

1. Personnel may apply for and may be granted a one-time exemption by the Sheriff for tattoos, scarifications, or brands already in existence prior to the initial effective date of this order that cannot be covered by adherence to the uniform standards of the Sheriff's Office General Orders. Exemptions shall be in writing and placed in the employee's personnel file. No exemptions will be granted for any unauthorized tattoos, scarifications or brands considered inappropriate, unprofessional, or offensive.

2. Special Duties or responsibilities exemption.

**B. APPLICATION OF STANDARDS**

This order applies to all Sheriff's Office personnel, as all may serve members of the public at any time.



**LAURIE SMITH  
SHERIFF**



## **PATRIOTIC COURTESY GENERAL ORDER #10.04**

Adopted: 07/07/2010  
Replaces: G.O. #10.04 dated 1/10/02

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

The Sheriff's Office personnel shall adhere to rules of decorum and conduct when attending funerals, public gatherings, or other ceremonial occasions.

### **PROCEDURE**

#### **A. Presentation of National Colors.**

- |                                |   |
|--------------------------------|---|
| 1. Uniformed personnel:        | Indoors -- With or without headgear,<br>Stand at attention.   |
|                                | Outdoors -- With or without headgear,<br>Stand at attention,<br>Hand salute.  |
| 2. Civilian attired personnel: | Indoors -- Stand at attention,<br>Remove headgear (if worn).  |
|                                | Outdoors -- Stand at attention,<br>Place right hand over heart.<br>If wearing headgear,<br>Remove and hold over heart with right<br>hand. |

#### **B. National Anthem.**

- |                         |   |
|-------------------------|---|
| 1. Uniformed personnel: | Indoors -- With or without headgear,<br>Stand at attention, |
|-------------------------|---|

Face colors.

Outdoors -- With or without headgear,  
Stand at attention,  
Face colors,  
Hand salute.

2. Civilian Attired Personnel: Indoors -- Remove headgear (if worn).  
Stand at attention,  
Face colors.

Outdoors -- Face colors,  
Stand at attention,  
Remove headgear (if worn).  
And hold over heart with  
Right hand.

If no headgear is worn,  
Right hand over heart.

3. When no colors are present, face the sound source of the anthem. Maintain a military bearing through out the scope of the playing of the National Anthem.

**C. Pledge of Allegiance.**

1. Uniformed Personnel: Indoors -- With or with headgear,  
Stand at attention with  
Right hand over heart

Outdoors -- With or without headgear,  
Stand at attention with  
Right hand over heart.

2. Civilian attired personnel: Indoors -- Remove headgear (if worn),  
Stand at attention with  
Right hand or headgear over heart.

Outdoor -- Remove headgear (if worn),  
Stand at attention with  
Right hand or headgear over heart.

**D. Movement of casket at "Military" funerals.**

1. Uniformed personnel:

Indoors -- Stand at attention,  
Remove headgear  
Unless serving as a pallbearer.

Outdoors -- With or without headgear,  
Stand at attention,  
Render hand salute as  
Casket passes, or upon order of  
Honor guard commander.

2. Civilian attired personnel:

Indoors -- Stand at attention,  
Remove headgear (if worn).

Outdoors -- Remove headgear (if worn),  
Stand at attention with  
Right hand or headgear  
Over heart.



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**LAURIE SMITH**  
**SHERIFF**



## **STANDARDS OF CONDUCT GENERAL ORDER #11.00**

Adopted: 07/07/2010  
Replaces: G.O. #11.00 dated 09/08/2009

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

All personnel on or off-duty shall conduct themselves at all times in a manner that is consistent with the Code of Ethics and the best interests of the Sheriff's Office and its mission statement. While employees of the Sheriff's Office are expected to do vastly different jobs, each employee is expected to address his or her responsibilities with the same high level of commitment, dedication, and integrity. The working standards of the Sheriff's Office anticipate that excellence will be the norm to which we aspire and expect of ourselves.

Supervisors and managers are responsible for both the commendable and objectionable and substandard performance of their subordinates. Just as rule violations reflect poorly on staff and department alike and should be avoided, good performance reflects well on us all and should be both encouraged and rewarded.

### **STANDARDS**

#### **A. TRUTHFULNESS**

Employees of the Sheriff's Office shall make truthful statements when questioned, interviewed, or in submitting reports. Employees of the Sheriff's Office shall not make false statements to any supervisor or to any person conducting an internal investigation. Employees of the Sheriff's Office shall make truthful testimony in any legal proceeding. Employees of the Sheriff's Office understand that truthfulness and their personal integrity are the foundations upon which law enforcement work is based. Employees that are not truthful in any investigation in which they are involved, they may be disciplined up to and including termination.

#### **B. REPORTING REQUIREMENTS**

1. It is the affirmative duty of each member of the Sheriff's Office to report to his or her immediate supervisor any violation of these General Orders, without delay. If his or her immediate supervisor is unavailable, the employee will notify the next person in the chain of command or the on-duty Watch Commander.
2. Employees, who are arrested for any offense, other than an infraction under the Vehicle Code, or who have knowledge that they have been named as a principal or suspect in a written crime report or criminal complaint filed with any law enforcement agency shall promptly notify their immediate supervisor of the facts of the arrest, report, or complaint. It shall be the responsibility of the immediate supervisor to promptly notify the Internal Affairs Unit that the employee has been arrested, or is the subject of a report or complaint and of the facts of the arrest, report, or complaint.
3. Employees whose job requirements include being a licensed driver and whose privilege to drive has been suspended shall promptly notify their immediate supervisor that their driving privilege has been suspended. It shall be the responsibility of the immediate supervisor to obtain the employee's County Driver's License and the keys to any county vehicle possessed by the employee, to promptly notify the County garage, and to promptly notify the Internal Affairs Unit that the employee has had his or her driving privileges suspended. The immediate supervisor shall promptly forward the employee's County Driver's License to the Support Services Division Captain.
4. A deputy who has been convicted of a misdemeanor crime of domestic violence, as defined in 18 United States Code sections 921(a), 922(d), and 922(g), or who have been convicted of any offense under federal law or the law of any state that as a consequence does not permit the person convicted to possess a firearm in the State of California, or who is subject to a restraining order that does not permit them to carry a firearm, shall promptly notify their immediate supervisor of that fact. Any deputy coming within these provisions shall promptly surrender any department-issued firearm to the Support Services Division Captain. It shall be the duty of the immediate supervisor of the deputy to promptly notify the Internal Affairs Unit and the captain in the deputy's chain of command that he or she comes within these provisions.

**C. CONDUCT ON DUTY**

1. Employees shall report for duty promptly at the time, place, and to the person required. Employees shall be equipped and prepared to assume their regular duties at the time their shift begins. Employees unable to comply with these requirements shall report this to their immediate supervisor or other responsible person as far in advance as possible prior to the time set for reporting.

2. Deputies on duty shall be constantly alert and observant, and shall keep a vigilant watch for needed police services. Employees shall not leave their district, beat, or other designated posts of duty except in the necessary discharge of duty or when previous approval has been obtained from the employee's supervisor.
3. Employees shall not use any illegal drug or any alcoholic beverage at any time while in uniform. Employees shall not use any illegal drug or alcoholic beverage at any time while on duty; however, an alcoholic beverage may be consumed when necessary to carry out a duty assignment. Employees shall not report for a regular tour of duty with any indication of having consumed any illegal drug. Employees shall not report for a regular tour of duty under the influence of any substance which impairs the mental or physical ability of the employee to perform assigned duties. An employee who ingests a prescription medication during a tour of duty and who discovers that the medication impairs his or her mental or physical ability to perform assigned duties shall immediately notify his or her supervisor, who shall evaluate his or her fitness for duty. On-duty employees that a superior officer has reasonable suspicion to believe have consumed or ingested any drug or alcoholic beverage in violation of this order, may be subject to a substance abuse and/or alcohol screening test.
4. Employees shall obey any lawful order, either written or oral, issued by a superior officer. If the order conflicts with a previous order or written directive, the employee shall advise the superior of the conflict and proceed according to the superior's direction. If the superior officer is unavailable, the deputy shall follow the last order given. The employee may prepare a memorandum detailing the circumstances of the incident. Any employee acting on an order issued by a superior officer in conflict with a written order, memorandum or other departmental policy, will not be held responsible for any violation of these orders, while acting upon the order of the superior officer. In such cases, the full weight of responsibility rests with the superior officer issuing the order.
5. No employee shall address another employee in a profane or insulting manner.
6. Employees shall comply with the Santa Clara County Policy on Sexual Harassment.
7. Employees, when assigned in uniform, shall report for duty in complete, clean, and well-pressed uniforms. When assigned in civilian clothes, personnel will dress in a dignified, conservative manner befitting their positions. Undercover deputies may dress appropriate for their assignment.
8. Employees shall not sleep while on duty except as required by law and/or by contract as part of an extended shift.



9. Notwithstanding the assignment of specific duties and responsibilities to employees of the Sheriff's Office, all employees shall perform all such other duties as may be required of them.
10. Employees shall maintain good health and physical fitness in order that work can be performed effectively and efficiently and to minimize personnel shortages caused by sick leave.
11. When acting in the performance of their duties, both on and off duty, employees shall treat the public with courtesy and respect and not use harsh, profane or uncivil language. Employees shall perform their duties in a fair and impartial, and nondiscriminatory manner. When requested, deputies shall promptly and politely provide their name, badge number and assignment.
12. Deputies shall not violate the rights guaranteed by the Constitution of the United States, the laws of the United States, the State of California, the County of Santa Clara, or any local law or ordinance in place at the location of occurrence. Deputies shall maintain a working knowledge of the laws and ordinances in effect in their jurisdictions.
13. Employees shall familiarize themselves thoroughly with the rules and procedures of the Sheriff's Office, the orders issued applicable to them, and the contents of the departmental General Orders. Employees shall, upon return from any absence of any duration, familiarize themselves with any changes in rules and procedures that may have taken place during such absences.

**D. CONDUCT OFF DUTY**

1. Personnel of the Sheriff's Office shall not participate, within Santa Clara County, in any card game conducted in any public card room or any pari-mutuel gambling (betting) facility. This order shall not apply to personnel participating as part of a duty assignment in conducting an investigation into the operation of the prohibited activity.
2. Under California law, both on- and off-duty deputies have peace officer authority as to any public offense committed or when there is probable cause to believe one has been committed in his or her presence and with respect to which there is immediate danger to person or property, or the escape of the perpetrator of such offense. Before acting in the capacity as peace officers, off-duty deputies both inside and outside of Santa Clara County shall first give consideration to causing the appropriate action to be effected by the responsible law enforcement agency. Such deputies should then act only after consideration of the tactical situation, the seriousness of the offense and of their potential liability and that of the County of Santa Clara.

**E. GENERAL CONDUCT (ON OR OFF DUTY)**

1. Employees shall not commit, attempt to commit, or conspire to commit any act which would be a violation of any federal, state, county, municipal law, ordinance, or regulation.
2. Employees shall not commit any breach of peace, neglect of duty, misconduct or any other conduct that tends to undermine the order, efficiency or discipline of the Sheriff's Office or reflects discredit upon the Sheriff's Office or any member, or is prejudicial to the efficiency and discipline of the Sheriff's Office, this section applies whether or not the conduct is specifically defined or set forth in the agency's policies and procedures.
3. Employees served with a notice that they are being sued as a result of actions while performing their official duties shall notify their division captain and immediately bring to the Sheriff's administrative assistant two copies of the legal process or notice served, with a notation as to the date and time of service.
  - a. If more than one employee is named only two copies are to be brought to the Sheriff's administrative assistant along with an employee's report (ER) form indicating the names of all employees served and the date and time of service.
  - b. The Sheriff's administrative assistant shall send case reports, supplemental reports, employee's reports, and any other reports or documentation (including scene photographs) pertinent to the case to the County Counsel's office or attorney retained by the County only when requested by counsel. Requested copies, plus one file copy, will be sent via the Sheriff's administrative assistant. The transmittal should have a heading of "Confidential Attorney Client Communication".
  - c. The Sheriff's administrative assistant shall maintain a file on all claims and/or legal process filed against the Sheriff's Office and its employees, as outlined under the guidelines above and shall:
    1. Send one copy of all claims to the County G.S.A. Insurance Section.
    2. Send one copy of all legal process and any requested backup information to the Deputy County Counsel and/or private attorney retained by the County.
4. Employees filing lawsuits or civil claims against third parties arising from their duties and responsibilities at the Sheriff's Office shall notify the Sheriff's

administrative assistant that they have filed a lawsuit or a claim. This notification shall include:

- a. The nature of the claim or the nature of the action;
  - b. The identity of the defendant or respondent;
  - c. The court or agency where the action was filed; and
  - d. The date the action was filed or the claim was made.
5. Employees shall not loan, exchange, borrow, do favors for, accept favors from, socialize with or enter into any business transactions with any inmate or prisoner. Also, employees shall not knowingly socialize with or have any contact with ex-inmates of any penal institution who have been convicted of a felony, a crime which is an alternative felony or misdemeanor, or crime involving moral turpitude except upon prior approval of one of the Sheriff's Office's command staff (Sheriff, Undersheriff, or Commander). Requests shall be submitted in writing on an employee's report form, a copy of the approved or disapproved request shall be placed in the originating employee's personnel file (Support Services Division). Employees shall exercise prudence and discretion in any contact with ex-inmates of any city or county jail, state or federal correctional facility, or persons with known criminal connections. This section does not prohibit contacts which are necessary and integral in order to carry out diligently duty assignments, nor does it prohibit contacts with members of the immediate family, providing the contacts do not in any way imply approval of criminal conduct. For purposes of this Order, "immediate family" means immediate household members of the employee, the employee's spouse or the mother, father, grandmother, grandfather, son, daughter (natural, marital and/or adopted), daughter-in-law, son-in-law, brother, sister, grandchild, brother-in-law, sister-in-law of the employee or the employee's spouse.
6. Employees of the Sheriff's Office shall not utilize any business or personal cards, or any other form of communication which purports to exempt any person from the processes of this agency, or any other department, or which purport to grant the bearer any special privileges not enjoyed by all individuals.
7. Employees of the Sheriff's Office shall not use the badge or identification as a member of the Sheriff's Office to obtain any personal advantage.
8. Employees of the Sheriff's Office shall not grant any immunities or exemptions from any established agency procedure, without approval from the Sheriff.
9. Employees shall promptly pay their just debts and shall not incur liabilities which they are unable or unwilling to discharge. The Civil Division, via memorandum

in duplicate, shall advise the Office of the Sheriff of all civil actions involving members of the Sheriff's Office. One copy of this memorandum shall be maintained in the employee's personnel file. No employee shall be disciplined for being threatened with having his or her wages garnished or for having his or her wages garnished for the payment of one judgment.

10. No gift shall be accepted by any employee of the Sheriff's Office unless the gift is given without consideration by the giver of the employee's official capacity. The monetary value of the gift has no bearing on whether or not it can be accepted.
11. Employees of the Sheriff's Office shall not make public solicitations or sell tickets to the public for admission to any show, dance, drawing, raffle or other activity for any organization while on duty or while wearing the agency's uniform. When engaged in any activities of this nature, employees will not identify or represent themselves as members of this agency.
12. Employees changing their residence addresses and telephone numbers, shall immediately notify their division captain and the Support Services Division, of the changes in writing via an employee's report (ER) form. Deputies shall maintain a telephone where the deputy may be reached in an emergency.
13. Employees shall not use any of the Sheriff's Office's addresses as the address of their place of residence; except, employees may use the address of the Sheriff's Office as their address to the Department of Motor Vehicles as permitted by law. Employees also may use the address of the Sheriff's Office as their address in any crime report in which they are a victim or witness and the incident occurred in the course and scope of their duties as a Sheriff's Office employee.
14. Employees of the Sheriff's Office, whether on or off duty, will at all times and in all places, conduct themselves in a manner that will not bring or subject the department, their fellow employees or themselves to any criticism, disgrace, or public ridicule.
15. Employees shall not improperly use their accrued sick leave benefits. Sick leave shall only be used for legitimate medical reasons.
16. Except as required by law or court order, employees shall not divulge any information that is made confidential by law or by Sheriff's Office policies and procedures.

**F. CONDUCT IN COURT**

1. Employees shall appear for court or other legal proceeding as directed by subpoena or court notice unless otherwise excused or other arrangements have been made. An employee who receives a subpoena to testify on behalf of a

criminal defendant or a party in a civil action shall notify his or her supervisor as soon as possible. The supervisor shall notify his or her bureau Assistant Sheriff via the chain of command as soon as possible.

2. Employees shall testify clearly, modestly, without bias or prejudice, without display of emotion, without exaggeration, and without misrepresentation. Testimony is to be given so that the judge, court staff, jury, counsel, and spectators can hear clearly.
3. Employees, when assigned in uniform, shall appear in court in complete, clean, and well-pressed uniforms. When assigned in civilian clothes, personnel will dress in a dignified, conservative manner befitting their positions and appropriate for a serious business presentation.

**G. EXCERPTS FROM MERIT RULES**

1. In addition to the Sheriff's Office's procedures and policies found in these General Orders and in other agency documents, employees shall follow the rules that govern the Santa Clara County Merit System.
2. Santa Clara County Merit System Rules that are found in Santa Clara County Code section A25-301 provide a list, which is not all-inclusive, of conduct that may constitute proper basis for disciplinary action. The conduct listed is cited as A25-301:
  - (a) Causes relating to performance of duties:
    - (1) Violation of the county charter, merit system rules and regulations, and written published departmental rules and policies which do not conflict with this article.
    - (2) Inefficiency, incompetency, or negligence in the performance of duties, including failure to perform assigned task or failure to discharge duties in a prompt, competent and responsible manner.
    - (3) Physical or mental incapability for performing duties.
    - (4) Brutality in the performance of duties.
    - (5) Refusal to accept a reasonable and proper assignment from an authorized supervisor, or insubordination.
    - (6) Intoxication on duty.

- (7) Careless, negligent or improper use of county property, equipment or funds, including use for private purposes or involving damage or risk of damage to property.
  - (8) Acceptance of gifts in exchange for "favors" or "influence" or under circumstances which would tend to compromise the effective discharge of duties.
  - (9) Failure to maintain satisfactory and harmonious working relationships with the public and other employees.
  - (10) Absence without leave. (See section A25-247(d).
  - (11) Habitual pattern of failure to report for duty at the assigned time and place.
  - (12) Habitual improper use of sick leave privileges.
  - (13) Unauthorized release of confidential information as defined by law from official records.
- (b) Causes relating to personal conduct detrimental or prejudicial to public service.
- (1) Guilty of gross misconduct, or conduct unbecoming a county officer or employee which tends to discredit the county or county service.
  - (2) Guilty of immoral conduct or a criminal act.
  - (3) Failure to make reasonable provisions for payment of just debts.
  - (4) Falsified job information to secure position.
  - (5) Addiction to use of narcotics or habit-forming drugs.
- (c) Engaging in incompatible employment. Any employee in the classified service who directly or indirectly engages in incompatible employment or serves a conflicting interest shall be subject to suspension, demotion, or dismissal.



**LAURIE SMITH**  
**SHERIFF**



## **MEDICAL AND PSYCHOLOGICAL STANDARDS GENERAL ORDER #11.01**

Adopted: 07/07/2010

Replaces: GO #11.01 dated 1/10/02

Reviewed: 02/22/2010

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### **POLICY**

All appointed Sheriff personnel must meet P.O.S.T. and department medical and psychological standards for appointment of Deputy Sheriff and other applicable positions, to insure that all personnel are physically and mentally able to fulfill all essential job functions.

### **PROCEDURES**

#### **A. General Fitness Requirements**

- 1.** All applicants for Deputy Sheriff are subject to a medical examination prior to employment to make sure they are physically and psychologically qualified for the position of Deputy Sheriff. The applicant must meet the minimum P.O.S.T. standards, as administratively adopted by the department, including:
  - a.** The applicant must be physically fit to engage in strenuous physical execution.
  - b.** The applicant must be emotionally stable and able to handle the demands of potential personal danger and responsibility for the lives and rights of other persons.
  - c.** Deputy Sheriffs are expected to maintain a satisfactory level of physical and mental fitness for duty for the duration of their employment with the Department.

2. The P.O.S.T. standards, and standards adopted by the Personnel and Training Division, shall be the applicable standards for physical and psychological fitness for duty.
3. If an applicant or Deputy Sheriff is determined to be unfit for duty as a Deputy Sheriff for medical or psychological reasons, the reason for this determination will be entered on the medical or psychological review form.
4. This policy also holds true to all applicable positions, including those individuals holding a position of Correctional Officer assigned to the Sheriff's Office.

A handwritten signature in cursive script, appearing to read "Laurie Smith".

**LAURIE SMITH**  
**SHERIFF**





## **HARASSMENT AND DISCRIMINATION GENERAL ORDER #11.02**

Adopted: 07/07/2010

Updated: 02/22/2010

Supplements: "Santa Clara County's Policy on Sexual Harassment"

Reviewed: 02/22/2010

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### **POLICY**

The Sheriff's Office will not tolerate or condone any form of harassment or discrimination, including sexual harassment in the workplace. Such conduct will result in disciplinary action, up to and including termination, against any employee engaging in unlawful harassment or discrimination. Any employee found to be retaliating against another employee for making a complaint under this policy shall be subject to disciplinary action. This Policy shall supplement and not replace existing policy as stated in "Santa Clara County's Policy on Sexual Harassment."

### **FEDERAL AND STATE LAW**

Federal and state law provide that it shall be an unlawful discriminatory practice for any employer, on the basis of race, religion, color, national origin, ancestry, medical condition, physical or mental disability, marital status, gender, age or sexual orientation of any person, to discharge without cause, to refuse to hire, or otherwise to discriminate against that person with respect to any matter directly or indirectly related to employment. Harassment of an employee on the basis of any of the above listed characteristics, including gender, violates these laws.

### **WHAT CONSTITUTES HARASSMENT**

Harassment includes but is not limited to:

**1. Verbal Harassment** - Epithets, derogatory comments or slurs on the basis of race, religion, color, national origin, ancestry, handicap, physical or mental disability, medical condition, marital status, gender, age or sexual orientation. This includes inappropriate sex oriented comments on appearance, including dress or physical features, or race oriented jokes or stories.

**2. Physical Harassment** - Assault, impeding or blocking movement, or physically interfering with normal work when directed at an individual on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, gender or sexual orientation. This includes conduct in the form of pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

**3. Visual Forms of Harassment** - Derogatory posters, notices, bulletins, cartoons, or drawings ridiculing or focused on race, religion color, national origin, ancestry, disability, medical conditions, marital status, gender, age or sexual orientation.

**4. Sexual Favors** - Inappropriate and un-welcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which form the basis of an employment decision, unreasonably interfere with an individual's work performance or create an offensive work environment.

### **GUIDELINES FOR IDENTIFYING SEXUAL HARASSMENT**

To help clarify what is unlawful sexual harassment, the State Department of Fair Employment and Housing, the Federal Equal Employment Opportunity Commission and the courts use the following guidelines:

1. Sexual harassment is conduct of a sexual nature which is "unwelcome."
2. Sexually harassing conduct may take the form of visual, verbal, physical and/or creation of hostile environment. It need not be explicit, nor even specifically directed at the victim.
3. It is irrelevant whether the victim has "consented" to engage in sexual conduct or whether the victim's agreement was "voluntary" so long as the conduct was "unwelcome."

Courts use the "reasonable" standard, in determining whether sexual harassment has occurred.

4. Sexual harassment occurs when:
  - a. Submission to sexual conduct is an explicit or implicit term or condition of an individual's employment;
  - b. The submission to or rejection of sexual conduct by an individual is the basis for any employment decision affecting that individual; or
  - c. Sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature or display of audio or visual material of a sexual nature have the purpose or effect of interfering with an individual's work

performance or creating an intimidating, hostile, or offensive working environment.

## **PROCEDURE**

### **A. COMPLAINT PROCEDURE**

1. **Reporting** - The Sheriff's Office has an obligation to, and will, investigate all complaints. Any employee who feels he or she has been the victim of illegal harassment, including sexual harassment, should contact his or her supervisor, department head, or a staff member in the Internal Affairs Unit or in the Office of the County Executive, Equal Opportunity Division, immediately. Any supervisor, manager or department head who receives a complaint should notify the Human Resources Director or his or her designee immediately. This initial report can be oral or written. All reports will be investigated and discussed with all parties to an incident.
2. **Investigation** - Upon receipt of the complaint, the Internal Affairs Unit supervisor or the Equal Opportunity Division Director or his or her designee will authorize investigation of the charges including contacting the complainant, the accused harasser, and any other person who is believed to have relevant knowledge concerning the complaint.
3. **Disciplinary Action** - Upon completion of the investigation, the Sheriff will determine what, if any, disciplinary action will be taken.

If it is determined that harassment occurred, appropriate disciplinary action up to and including termination will be taken. The discipline will be determined by the severity of the offense.

4. **Appeals** - Disciplinary action taken under this procedure may be appealed with or without representation, subject to appeal or grievance procedures indicated in applicable Labor Agreements or Merit Rules and Regulations.

### **B. EMPLOYEE RESPONSIBILITIES**

1. **Individual Employee** - A County employee who is either the victim of, or observes harassment shall report the circumstances of such harassment to his or her immediate supervisor or to any other managerial employee, the Sheriff or to the Equal Opportunity Division as provided in the above procedure.
2. **Management and Supervisory Employees** - Management and supervisory personnel are responsible for ensuring that the work environment is free of harassment as herein defined, including sexual harassment, by:

- a. informing all employees under their direction of the County policy and complaint procedure
  - b. reporting any instances of harassment, including sexual harassment, to the Internal Affairs Unit for investigation and to their department head.
  - c. based on the findings of the investigation, taking appropriate disciplinary action.
3. **Internal Affairs Unit** - The Internal Affairs Unit and Employee Assistance are responsible for administering the complaint procedure, authorizing and/or conducting an investigation and, in consultation with the department head, recommending disciplinary action commensurate with the severity of the offense.



**LAURIE SMITH**  
**SHERIFF**



## **DISCIPLINARY POLICY GENERAL ORDER #11.03**

Adopted: 07/07/2010  
Replaces: G.O. #11.03 dated 4/15/08

Updated: 12/31/2007  
Reviewed: 02/22/2010

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### **POLICY**

The Sheriff's Office advocates the use of progressive discipline. Progressive discipline uses disciplinary tools to correct deviance from policy, operating procedures, rules and/or statutes. Generally, progressive discipline begins with the lesser forms of corrective action such as counseling and, if violations continue, results in more severe disciplinary action up to and including dismissal. However, based upon the severity of the conduct, more severe disciplinary action may be called for even after the first offense. In any case, uncorrected violations undermine morale, decrease confidence in the department, and destroy the effectiveness of the Sheriff's Office.

### **DEFINITIONS**

**DISCIPLINE:** For supervisors and employees, positive discipline exists when employees follow the rules of conduct and meet or exceed performance standards or objectives. Discipline includes activities that are components of the management principle of control, which is absolutely critical to maintain a smooth running department. Proper control helps to ensure that high morale and esprit de corps is developed in the group as well as in the individual and results in self-administered discipline and motivation to achieve the department's mission.

**PROGRESSIVE DISCIPLINE:** Progressive discipline is a system in which one or more in a series of actions is taken by management to prevent, or to respond to, an employee's failure to meet work standards or to follow rules of conduct. These actions range from training and discussions up to and including dismissal and are increased in severity and formality if an offense is repeated. The concept of progressions does not always apply. A serious first offense may result in adverse action. The other side of progressive discipline is the progressive clearance of the employee's record as job performance improves, in accordance with the involved employee's applicable labor agreement. If a considerable span of time has elapsed after an infraction, this factor is to be considered in the

employee's favor when assessing the penalty for a new infraction, as long as the infraction is the same.

**PREVENTIVE ACTION:** Preventive actions are those steps taken by a supervisor to eliminate or reduce situations in which corrective action or formal disciplinary action become necessary. Taking preventive action is a supervisor's ongoing responsibility and is the only phase of progressive discipline that is proactive. Preventive actions include establishing goals and communicating expectations as well as training and coaching.

**CORRECTIVE ACTION:** Corrective action is action short of formal discipline that a supervisor takes with an employee in an attempt to bring the employee's performance up to standard or to prevent continued misconduct. This may include additional training or instruction at the time of the offense. Corrective actions include informal notice, verbal counseling, supervisor's comment cards, records of discussion, performance improvement plans, and formal written counselings. The purpose of corrective action is NOT to punish, but to avoid punishment by teaching an individual to behave in a manner acceptable to the Sheriff's Office. For supervisors and employees, good discipline exists when employees follow the rules of conduct and meet or exceed performance standards or objectives.

**FORMAL DISCIPLINARY ACTION:** Formal discipline is instituted when corrective action has failed or is inappropriate given the nature of the offense. The only types of formal discipline recognized by the merit system rules and labor agreements are letters of reprimand/unfavorable reports, suspensions, demotions, and dismissals.

## **PROCEDURE**

### **A. SUPERVISORY AND MANAGERIAL RESPONSIBILITY FOR DISCIPLINE**

1. Most employees are competent, conscientious, and efficient. However, some willfully, carelessly, or unwittingly violate the accepted standards of good behavior or deliver unsatisfactory or unacceptable work performance. Employees should expect and prefer uniform adherence to recognized standards of conduct. Prompt and fair corrective disciplinary action is just as essential to effective operations and good employee relations as is positive recognition of a job well done.
2. The Sheriff's Office is a highly visible agency with a vital, complex, demanding, and sometimes controversial mission. As a result, it is subject to intense public scrutiny. As part of its accountability to its employees and to the citizens that we protect and serve, the Sheriff's Office must be able to justify its methods and procedures when they are challenged. In fulfilling this accountability, the Sheriff's Office is committed to recognizing and answering complaints regarding the propriety of personnel actions and operating procedures.

3. While sound supervisory guidance contributes to improved employee performance and voluntary compliance with rules of conduct, a system for identification and treatment of employee misconduct is also necessary. Employees must be certain of timely, uniform, and equitable discipline for misconduct consistent with individual rights to due process.
4. The Sheriff's Office considers discipline and its attendant processes, such as initial fact-finding, investigation, determination of findings, and leveling of sanctions, as one of its management responsibilities. Therefore, the Sheriff's Office holds division and unit supervisors and managers accountable for assessing the facts of a case, based on the totality of the situation, in determining findings and recommendations for proper discipline.
5. Supervisors and Managers are required to be familiar with the following Sheriff's Office general orders that outline employee performance guidelines and complaint reporting procedures.

**B. ROLE OF SUPERVISORS IN EMPLOYEE DISCIPLINE**

1. The Sheriff's Office depends on its supervisors to maintain the highest level of efficiency among its employees. Toward that end, supervisors are responsible for developing and maintaining good working relationships among their subordinates so that, as individuals and as members of a group, employees voluntarily put forth their best efforts.
2. At each level, supervisors are expected to help their employees to become and remain efficient, productive and satisfied workers by ensuring that they understand:
  - a. The policies and procedures that govern their work.
  - b. The duties they are to perform.
  - c. The accepted methods of performing these duties.
  - d. How well they are expected to perform these duties, i.e., and the expected standards of performance.
  - e. How well they meet these standards of performance.
  - f. How they can improve their work and develop their capabilities.
  - g. What behavior is considered proper conduct or good discipline in their work group.

**C. DISCIPLINARY PROCESS**

1. Process for handling observed misconduct:

a. If a supervisor directly observes a subordinate's misconduct, and if the misconduct is of a serious nature that could result in formal disciplinary action, the supervisor shall:

- 1) Take that action required to immediately curtail or prevent the recurrence of the misconduct.
- 2) Collect the details of the observed misconduct, to include any possible witnesses, and report the misconduct via employee's report to the Approving Authority (Division Captain or Unit Manager) through the chain of command.

Note: Supervisors must exercise caution during this process, ensuring that all procedural rights are followed in accordance with the Public Safety Officer's Procedural Bill of Rights, merit system rules, and applicable labor agreements.

- 3) Instruct all involved employees to submit an employee's report, unless the involved employee is the focus of the investigation and/or may be subject to disciplinary action. Employees who simply witnessed the alleged misconduct by another employee are not normally subject to disciplinary action and may be required to submit written reports.

b. Upon receipt of a written allegation of misconduct, the Approving Authority shall confer with the Internal Affairs Unit and discuss whether the incident is to be handled as major or minor misconduct.

- 1) If it is determined that the violation is minor (one for which the department would normally not seek formal disciplinary action [Letter of Reprimand/Unfavorable Report or greater]), the Approving Authority may return the case to the employee's supervisor for further action in accordance with the "Internal Affairs Unit".
- 2) If it is determined that the violation is major, a formal investigation conducted by the Internal Affairs Unit shall be conducted.

c. At the completion of the investigation, whether by the division to which the employee is assigned or by the Internal Affairs Unit, findings (i.e., Unfounded, Exonerated, Not Sustained, Sustained, or Closed) are rendered for each allegation.



- d. The investigative report is reviewed by the Approving Authority and each of the findings is approved/modified for each allegation.
  - e. The Approving Authority recommends discipline and, based upon the process as described in the Internal Affairs Unit general order, the report is forwarded via the chain of command for final action.
  - f. Discipline is administered when approved by the highest level of review. The Support Services Division Captain must ensure that the appropriate disciplinary letter is prepared and confidentially forwarded to the employee.
2. Process for handling reported misconduct that the supervisor did not observe:
- a. The supervisor must evaluate whether the complaint alleges misconduct or whether the complaint is actually regarding a procedural matter.
  - b. Once it is determined that the complaint involves possible employee misconduct, the supervisor should then determine if the complaint is of a major or minor nature.
    - 1) Should the complaint be of such a minor nature that the supervisor can rectify the situation to the mutual satisfaction of both parties, no further action need be taken. The complainant shall be advised of the disposition and informed that they may contact the Internal Affairs Unit directly if they have further concerns.
    - 2) If the complaint alleges major misconduct:
      - a) During normal business hours, the supervisor shall refer the complainant to the Internal Affairs Unit and/or request that an I.A.U. investigator contact the complainant to take a statement.
      - b) During other than normal business hours, the supervisor shall refer the complainant to the highest-ranking officer on duty, who shall collect the details of the complaint and proceed according to the procedures as described in the "Internal Affairs Unit" General Order. If there is no higher-ranking officer on duty, the supervisor shall collect the details and forward to the Division Captain or Unit Manager via the chain of command for further action.
3. Procedure for handling employee performance problems:

- a. There are occasions when an employee's performance requires intervention but does not constitute misconduct. Examples include: tardiness, mistakes on reports, failure to properly document significant incidents, sloppy dress, poor grooming, non-compliance with Sheriff's Office policy (when such non-compliance presents no threat to the safety or security of the Sheriff's Office), abuse of sick leave, etc.
- b. In these cases, the supervisor must take the appropriate corrective action as described in this policy.
- c. The supervisor may use the documentation to prepare the next Employee Performance Evaluation.

**D. PROGRESSIVE DISCIPLINE**

- 1. Preventive Actions: It is important for supervisors to create and maintain proper discipline within their organizational unit. Preventive actions are those steps taken by supervisors to eliminate or reduce the situations in which corrective or formal disciplinary action becomes necessary. If steps can be taken to reduce the need for corrective or formal disciplinary actions, then the supervisor and the employee will spend less time in an adversarial relationship and more effort will be expended toward accomplishing unit goals. Taking preventive action is an ongoing responsibility of each supervisor. It is the only phase that is proactive; that is, it is not based on the supervisor's reaction to something the employee is doing wrong, but rather is an action initiated by the supervisor. Types of preventive actions include:
  - a. Letting employees know what is expected of them. It is important that all of the Sheriff's Office's policies, procedures, and performance standards be clearly expressed in written and verbal directives. Supervisors must ensure that their employees understand and comply with these policies and standards by:
    - 1) Establishing open communications.
    - 2) Orienting new employees.
    - 3) Orienting all employees to new rules and standards.
    - 4) Encouraging employees.
    - 5) Monitoring employee performance.
    - 6) Training employees.

- b. Setting reasonable work objectives for your employees. Supervisors should establish objectives that assist their unit with contributing to the Sheriff's Office's mission. Then, with the employee performance appraisal system, supervisors establish performance standards to meet the objectives, consistent with the requirements of the position and the abilities and interests of each individual employee.
  - c. Creating a favorable work atmosphere. A safe and comfortable working environment is important. However, good supervision is also required to create a favorable working atmosphere. Supervisors should be approachable and listen to their employees' ideas and grievances, and be open-minded and fair in handling problems.
  - d. Setting a good example. Supervisors are held to an even higher level of accountability for their behavior than are their subordinates. With few exceptions, employees will comply with acceptable standards of performance and conduct to the extent that their supervisors comply.
  - e. Trying to find and eliminate causes for misconduct. When initially dealing with an employee's misconduct, supervisors should attempt to determine if there is a specific cause for the employee's misbehavior by interviewing the employee and encouraging an exchange of ideas and concerns. By identifying and removing or alleviating a cause, supervisors can sometimes prevent a recurrence of the unacceptable behavior.
  - f. Maintaining firm, impartial control. Firm and impartial supervisory control creates respect and lessens problems. Supervisors should objectively and fairly document both good and poor performance and behavior, and should present the employee with a copy of the performance documentation. The supervisor should make it clear to subordinates that infractions will not be allowed to go uncorrected and that they may expect corrective action to progress to more severe sanctions if infractions are repeated.
2. Corrective Actions - When preventive action fails to produce standard or above standard performance or compliance with rules of conduct, it becomes necessary for the supervisor to take corrective action. Corrective action is that action, short of formal discipline, which a supervisor initiates to attempt to bring the employee's performance up to standard or to prevent continued misconduct. This may include additional training or instruction at the time of the offense. In general, supervisors should take corrective action before initiating formal discipline. However, in situations involving the most serious offenses, the supervisor should initiate formal discipline by reporting the misconduct through the chain of command.

- a. Analyze the problem and form a plan. The supervisor's analysis of the problem will determine which corrective action to take. After analyzing the problem, the supervisor should develop a plan of corrective action.
- b. Take the appropriate corrective action.

Note: The following progression should be used. However, based upon the nature of the misconduct, steps in the corrective action continuum may be skipped. For SEIU, 521 employees, informal verbal or written counseling shall be provided by the employee's lead or first-line supervisor only.

- 1) Informal Notice (Undocumented): Telephone conversation, casual acknowledgement of infraction.
  - 2) Noted Verbal Counseling (Documented): Face to face conversation with the employee. This may be noted on Supervisor's Comment Card (Sworn personnel only).
  - 3) Record of Discussion (Sworn personnel only): Documented informal memo describing the topic of discussion, supervisor's comments and employee's comments.
  - 4) Performance Improvement Plan (Sworn personnel only): Documented understanding between supervisor and employee, outlining expectations for improved performance.
  - 5) Formal Written Counseling: More formal documentation of performance problem, to include what will happen if the employee fails to correct the problem.
- c. Initiate Formal Discipline: If the misconduct is of a serious nature or if corrective action has failed, supervisors should take no further action other than that required to immediately curtail or prevent the recurrence of the misconduct. He or she should then report the misconduct to the proper authority through his or her chain of command. Formal discipline is initiated by an Employee's Report written by the supervisor entitled: "MISCONDUCT (or ALLEGATIONS OF MISCONDUCT) BY EMPLOYEE."

### 3. Formal Disciplinary Action

- a. When preventive or corrective actions fail or when the first time offense is very serious, it becomes necessary to initiate formal discipline. Formal discipline is the final phase of progressive discipline in which action is taken that will have a negative impact on the employee's job status. Even though

the actions taken here have an adverse effect, the goal still includes correction or elimination of the problem. Therefore, a corrective plan of action must still be attempted.

b. Based upon the nature of the misconduct, the following formal disciplinary actions may be instituted:

- 1) Letter of Reprimand (sworn and C.E.M.A. personnel) or Unfavorable Report (SEIU, Local 521)
- 2) Suspension without pay
- 3) Demotion to lower class
- 4) Dismissal from service

c. Determination Of Findings And Disciplinary Sanctions For Formal Disciplinary Actions

- 1) Disciplinary action is required for each allegation of misconduct that is sustained. The Approving Authority shall recommend an appropriate sanction after evaluating the nature of the offense and any mitigating or aggravating circumstances. Approving Authorities may consult with Labor Relations and/or County Counsel at any time for assistance in determining the appropriate level of discipline.
- 2) When considering formal discipline, Approving Authorities should accomplish the following.
  - a) Review the investigative reports, being sure to carefully weigh all of the facts, including the employee's input.
  - b) Consider all the circumstances surrounding the case.
  - c) Consider the seriousness of the employee's conduct in relation to his or her particular job and his or her employment history with the Sheriff's Office.
  - d) Consider what the department has done to help prevent this type of behavior (e.g., provided training, etc.).
  - e) Consider any contemplated disciplinary action in light of its training value rather than strictly as punishment or reprisal for the offense.

- f) Consider the employee's previous conduct record in the department.
  - g) Consider what disciplinary action will most likely eliminate the cause and prevent a recurrence.
  - h) Consider the likely reason for the employee's behavior.
  - i) Consider the employee's possible reaction to the disciplinary action.
  - j) Consider the possible reactions of the other employees to the disciplinary action taken. The action must not violate the group's sense of fair play if it is to be accepted.
  - k) And above all else, be fair and impartial in arriving at the appropriate disciplinary action. Nothing will do more to undermine employee morale and confidence than the perception that discipline is arbitrary, unfair, or partial.
- 3) Mitigating Circumstances - Approving Authorities should consider the following circumstances when determining the type of disciplinary action to recommend:
- a) Admission of complicity.
  - b) Remorse on the part of the offending employee.
  - c) A commitment to appropriate subsequent behavior.
  - d) A commendable work history with the Sheriff's Office.
  - e) Continued personal development of the employee.
  - f) Unusual circumstances which may have precipitated the misconduct.
  - g) The results of the misconduct, particularly if the net result was a positive effect.
- 4) Aggravating Circumstances - Approving Authorities should consider the following circumstances when determining the type of disciplinary action to recommend:
- a) The negative results of the employee's misconduct.

- b) A repeated violation.
- c) Conviction of a felony related to the performance of duty or a misdemeanor involving moral turpitude.
- d) Refusal to commit to change.
- e) Damage to the Sheriff's Office's image.

d. Disciplinary Letters

- 1) The Support Services Bureau administrator must ensure that the appropriate disciplinary letter is prepared, reviewed by Labor Relations, and hand delivered to the employee or confidentially forwarded to the employee's home address in a sealed envelope via registered mail. The letter shall be included in the employee's personnel file and a copy sent to the involved employee's union.
- 2) The Support Services Bureau administrator shall also ensure that the disciplinary letter includes:
  - a) The employee's job title, job functions, and duties and responsibilities as they relate to the cause(s) of disciplinary action.
  - b) Statement of the nature of the disciplinary action.
  - c) Effective date of the action.
  - d) Statement of the cause thereof.
  - e) Statement in ordinary and concise language of the act or omissions upon which the causes are based.
  - f) Statement advising the employee of his or her right to appeal to an arbitrator or the Personnel Board from such action, in accordance with the involved employee's labor agreement, and their right to Association representation.
- 3) In administering a suspension, demotion or dismissal, the Support Services Bureau Captain should ensure that all pertinent factors relating to the discipline are contained in the letter of intent. The letter must list the incident(s) that gave rise to the discipline. Each allegation should be able to stand alone as cause for discipline. If

prior disciplinary actions were considered as a reason for more severe action, the prior discipline must be listed in the letter.

- 4) If the discipline imposed is appealed to the Personnel Board or to an arbitrator, the discipline letter is the charging document and the first document the Hearing Officer will read. The letter must be factual, accurate, and persuasive.

e. Appeals

1) Administrative Hearings

- a) Whenever the recommended formal disciplinary action is a letter of reprimand, suspension, demotion, or termination, the employee has a right to an administrative hearing, commonly referred to as "Skelly Hearing."

Note: Probationary employees receive a similar, albeit less structured hearing referred to as a "Lubey Hearing." Letters of Reprimand are afforded a simple administrative hearing only and do not afford the employee the right to any further appeal.

- b) These hearings are not automatic and must be requested by the employee within the time frame and per the instructions included in the disciplinary letter of intent.
- c) Unless a request for an administrative hearing is received within the time limit as described in the letter of intent, the employee shall be deemed to have waived their right to said hearing and the recommended disciplinary action shall become final.

- 2) Appeals to the County Personnel Board - Should the employee be dissatisfied with the final action as a result of their administrative hearing or should the employee waive their response to the administrative hearing and the recommended action becomes final, the employee may file an appeal under the Santa Clara County Charter, Section 708(c). The employee shall have ten working days from receipt of such written notice within which to file an answer to the statement of charges should the employee desire to do so, and the filing of such an answer shall be deemed to be an automatic request for a hearing unless such employee otherwise indicates. The answer to such charges shall be filed with the Personnel Board.

Note: Personnel Board appeals are not available to newly hired probationary employees on original probation. Said employees are entitled to an administrative hearing only.



- 3) Arbitration In Lieu of Personnel Board (sworn personnel only) - Disciplinary actions may also be appealed by the filing of a grievance in writing to the Appointing Authority, with a copy sent to Labor Relations, provided that the employee voluntarily waives his or her right to appeal such disciplinary actions to the County Personnel Board. Grievances must be filed within fifteen working days of receipt of the written notice of disciplinary action.

**E. EMPLOYEE RIGHTS**

1. It is the policy of this department to afford its public safety officers all of the rights as described in the Public Safety Officer's Procedural Bill of Rights (commonly referred to as A.B. 301) and as they appear in California Government Code Title 1, Sections 3300-3311, to include, but not limited to the following:

a. Sworn Personnel-Right to Representation:

- 1) Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters that could lead to punitive action (i.e., letter of reprimand, suspension, demotion, or termination) against any public safety officer, that officer, at his or her request, shall have the right to be represented by a representative of his or her choice who may be present at all times during the interrogation (Reference POBAR, Section 3303).
  - a) The selected representative cannot be a person subject to the same investigation.
  - b) The selected representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose information received from the officer under investigation for non-criminal matters.
- 2) Generally, employees are NOT entitled to representation for any corrective action conducted in the normal course of duty. However, if it becomes apparent during the course of the discussion that the employee may be subject to formal disciplinary action, the discussion should cease and the employee advised of his or her right to representation in accordance with the employee's applicable labor agreement. Corrective actions include:
  - a) Informal notices or admonishments.
  - b) Verbal Counselings.

- c) Records of Discussions.
- d) Performance Improvement Plans.
- e) Formal Written Counseling.
- f). Other routine contact with a Supervisor.

- b. Non-sworn Personnel-Right to Representation: It is the policy of this department to afford the same rights of representation to its non-sworn civilian personnel as is affords its public safety officers. Managers and supervisors are encouraged to research the various bargaining units' labor agreement (e.g., SEIU, Local 521) for any specific rights that may be afforded by contract.

2. Right to Read, Sign, and Respond to Adverse Comments

- a. No employee shall have any comments adverse to his or her interest entered in his or her personnel file, or any other file used for any personnel purposes by this department, without the employee having first read and signed the instrument containing the adverse comments indicating he or she is aware of such comments, except that such entry may be made if after reading such instrument the employee refuses to sign it. Should the employee refuse to sign, that fact shall be noted on that document, and must be signed or initialed by such employee.
- b. All employees shall have thirty days within which to file a written response to any adverse comments entered in his/her personnel file. Such written response shall be attached to, and shall accompany, the adverse comment.

F. SUPERVISORY FILES

- 1. Each supervisor shall maintain a supervisory file for each employee under his or her supervision. This file may contain all pertinent information for each employee including, but not limited to:
  - a. Past attendance records.
  - b. Copies of previous employee evaluations.
  - c. Copies of CPR, First Aid, and Range certificates.

- d. Copies of any letters of commendation or written documentation of positive employee performance.
  - e. Copies of any documented corrective actions.
  - f. Copies of any Supervisor's Comment Cards.
2. Upon any transfer or change of shift assignment, the previous supervisor shall ensure that the employee's supervisory file is transferred to the new supervisor for review and continued maintenance.

**G. RETENTION PERIODS FOR WRITTEN DISCIPLINARY DOCUMENTATION**

1. All corrective action documents shall be removed at the request of the affected employee after the time frame indicated below: Sworn Personnel
- a. Supervisor's Comment Cards- after the employee's next annual performance appraisal.
  - b. Records of Discussion- 6 months without repeated offenses.
  - c. Performance Improvement Plans- 12 months without repeated offenses.
  - d. Formal Written Counseling- 24 months without repeated offenses.
2. Upon written request of the employee, all materials relating to disciplinary actions recommended and taken shall be removed from the Personnel and Training file three (3) years after any disciplinary action has been imposed, provided no additional action has been taken during the intervening period, except disciplinary actions involving unnecessary or excessive use of force, fraternizing with inmates, use of drugs or narcotics, acceptance of gifts in exchange for favors or "influence," immoral conduct, criminal act/behavior, harassment and/or discrimination, or conviction of a misdemeanor or felony. Sworn Personnel
3. For non-sworn personnel, managers and supervisors should refer to the applicable labor agreements for disciplinary document retention guidelines.

**H. NON-DISCIPLINARY FORMS OF ACTION**

1. In addition to the punitive forms of action available, (e.g., reprimand, suspension, demotion, and dismissal), managers and supervisors should consider using various other non-disciplinary corrective actions which may remedy or alleviate the problem. Managers and supervisors are encouraged to research the various bargaining units' applicable labor agreements, as not all of the following actions are allowed.

- a. Employee Appraisals (Sworn Personnel Only): The Employee Appraisal system was designed as a tool for supervisor-subordinate communication. It is most useful in identifying problems with an employee's performance of assigned duties. Better documentation and perhaps interim evaluations may isolate and resolve a problem without the need for corrective discipline. However, when corrective discipline is required due to inefficiency or incompetence, the Employee Appraisal will usually be referred to during the fact-finding process and when determining findings and recommending sanctions.
- b. Transfers: A sworn employee cannot be transferred for punitive purposes. However, unsatisfactory performance adequately documented through performance appraisals or disciplinary documentation may result in removal from a specialized division, unit, or assignment at any time. An employee subject to removal from any assignment that receives premium pay may request an administrative hearing with rights of appeal.
- c. Medical/Mental Health Evaluations (Fitness for Duty Examinations): In situations where an employee's conduct is erratic or unusual, and a medical/mental health condition or drug or alcohol use are suspected, the department may require the employee to submit to a medical/mental health evaluation. The evaluation can then be used to determine if the employee is fit for duty or needs further treatment.
- d. Leave Approval: Any time that there is a question regarding use of sick leave by an employee, the sick leave should not be approved until the supervisor is fully satisfied with medical verification.
- e. Resignations: An employee should submit his/her resignation, giving notice of at least ten working days or two calendar weeks, in writing, to be eligible for reinstatement. If the employee resigns orally, the Approving Authority should immediately confirm the resignation in writing. Resignation in lieu of dismissal may be accepted for pending dismissals. If an employee wishes to resign as a result of a pending disciplinary action, the Approving Authority should contact Labor Relations and County Counsel before acting on the employee's request to resign.
- f. Voluntary Demotions: For various reasons, which may include an employee's own knowledge that he or she is not performing at an acceptable level in his or her current position (or preference of a different shift, location, etc.), an employee may voluntarily request a demotion. Accepting such a request is not considered to be a disciplinary action by the Sheriff's Office.



## EARLY WARNING SYSTEM GENERAL ORDER #11.04

Adopted: 07/07/2010  
Replaces: G.O. #11.04 dated 09/30/02

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### POLICY

It is the policy of the Sheriff's Office to establish a system for tracking and reviewing incidents of risk to this agency and the involved employees. To this end, the Early Warning System (EWS) shall be used as a means to identify and assess employee performance involved in high-risk incidents and intervene where appropriate.

### PURPOSE

This policy is intended to assist Sheriff's supervisors and managers in identifying deputies and other employees whose performance warrants review and, where appropriate, intervention in circumstances that may have negative consequences for the employees, fellow employees, the Sheriff's Office, and/or the general public.

### DEFINITIONS

*Office of Professional Standards (OPS) or equivalent office, division or bureau:* Also sometimes referred to as Internal Affairs, this function is executed by the employees or unit with primary responsibility for conducting investigations of employee misconduct allegations.

*High-Risk Incidents:* Actions that may result in injury to employees or the public, cause civil rights violations, increase the civil liability to the Sheriff's Office, or cause the Sheriff's Office to lose public support and confidence in its ability to perform its duty in a professional manner.

*Criteria:* Those areas deemed necessary to review and/or track in order to assure proper performance is attained and that liability to the Sheriff's Office is kept to a minimum.

*Threshold:* That which is determined to be a high point or limit of acceptability.

## **PROCEDURE**

### **A. General**

1. The EWS is a tool to assist supervisory personnel in monitoring employee performance.
2. The availability of the EWS does not alter the critical role of line supervisors to directly monitor the performance and conduct of personnel under their charge on a daily basis.
3. Supervisory personnel shall be familiar with alternatives and authorized actions they may take in response to personnel exhibiting conduct problems with or without information provided through the EWS.
4. Division level management and supervisors are encouraged to provide information that can be utilized in the EWS.

### **B. Reporting Procedures**

The Office of Professional Standards (OPS) shall be responsible for establishing and administering the EWS and generating reports specified in this policy or as otherwise directed by the Sheriff. OPS shall receive copies of the following:

1. Complaints lodged against employees in accordance with provisions of the Sheriff's Office policy on investigation of employee misconduct, to include the following:
  - a. Complaints lodged by one employee against another;
  - b. Summary of discipline actions and written counseling taken against an employee by a supervisor with or without a formal complaint;
  - c. Complaints lodged by citizens against Sheriff's Office employee;
  - d. Incidents of domestic violence;
  - e. Disciplinary actions taken against employees; and
  - f. Administratively defined examples of improper actions and/or improper conduct.
2. Use of Force Reports
3. Demographic Data
4. Performance based and related information including the following;

- a. Pursuits
- b. Accidents
- c. Leaves; sick, vacation, and Workers Compensation
- d. Shooting events
- e. Sleep Deprivation; Overtime, Off duty work, and Pay jobs
- f. Arrests
- g. Training
- h. Citations
- i. Calls for service – self initiated, radio initiated and desk initiated
- j. Charges – criminal charges against suspect
- k. Complaints – citizens and internal

**C. Reports**

1. OPS shall collect and report on the aforementioned data and information by comparing it to historical norms of Sheriff's personnel functioning in the same or similar assignments. Norms will be updated on an ongoing basis for each conduct or performance indicator. Reports on individual employees based on deviations from those norms will be distributed to respective division commander as well as the Sheriff's Executive staff.
2. Reports shall be developed on a routine basis for all employees but shall be generated whenever an employee has exceeded the threshold established by the Sheriff's Office requiring supervisory review and intervention, or upon specific request.
3. Reports shall provide a brief summary of complaint statistics, use of force incidents, demographic data, and/or performance indicators and their respective dispositions where available. Reports shall draw no conclusions nor make any determinations concerning job performance.
4. Reports are intended to assist supervisory personnel evaluate and guide their subordinates. Reports alone shall not form the basis for disciplinary action, nor shall they, in and of themselves, be placed in the employee's personnel file.
5. Reports shall be reviewed by the employee's supervisor as well as command staff and when necessary shall be reviewed with the employee.



**LAURIE SMITH**  
**SHERIFF**



## **USE OF FORCE GENERAL ORDER #12.00**

Adopted: 07/07/2010

Replaces: G.O. #12.00 updated 4/15/08

Updated: 02/22/2010

Reviewed: 02/22/2010

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### **POLICY**

Deputies and Sheriff's Correctional Officers shall use only force which is reasonable, given the facts and circumstances known to the officer at the time of the event, to bring an incident under control. Emergency medical attention shall be provided to any person who sustains any injury requiring medical attention or loss of consciousness, resulting from a deputy's use of force. All sections of this policy apply to off-duty conduct involving the use of force when such conduct occurs in the course and scope of employment.

### **PROCEDURE**

#### **A. REASONABLE FORCE**

Deputies and Sheriff's Correctional Officers are authorized to use only that degree of force which is reasonable under the circumstances to protect themselves or others, or to overcome resistance to their lawful authority. Deputies and Sheriff's Correctional Officers may use force in the performance of their duties in the following circumstances: to prevent the commission of a public offense; to prevent a person from injuring himself or others; to make a lawful arrest or detention of persons resisting or attempting to evade that arrest or detention; or in self-defense or the defense of another person.

#### **B. ESCALATION OF FORCE**

When use of force is necessary and appropriate, deputies shall, when reasonably possible, use an escalating scale of force and will not progress to a more forceful measure unless a lower level of



force is inadequate or inappropriate. Nothing in this Order shall preclude deputies from skipping steps when justified. The escalation of force shall occur as follows:

- \* physical presence
- \* verbal commands
- \* hands-on restraint
- \* chemical agents; control holds (excluding carotid holds)
- \* pain compliance control holds; kubaton; electronic restraint belt
- \* baton
- \* less lethal munitions (See General Order --#12.04 Use of Less Lethal Munitions)
- \* carotid restraint
- \* deadly force, including use of firearms (See General Order --#12.02 Use of Firearms)

Deputies and Sheriff's Correctional Officers acting in the course and scope of their duties shall only carry or use weapons authorized by the Sheriff's Office. A deputy must obtain written permission from the Technical Services Division captain to carry or use in the course and scope of his or her duties any weapon not authorized by these General Orders.

Use of a canine for biting a suspect constitutes use of force and shall only be used by a deputy who has received training approved by the Sheriff's Office and who acts in accordance with Sheriff's Office written policies and procedures.

**C. USE OF FORCE BY DEPUTIES ASSIGNED TO FACILITIES OPERATED BY THE DEPARTMENT OF CORRECTION**

Sheriff's sworn personnel assigned to facilities operated by the Department of Correction are responsible for following the Sheriff's Office General Orders relating to Use of Force while in those facilities. They are **not** required to follow the General Orders of the Department of Corrections while working on duty at facilities operated by DOC.

**D. PHYSICAL PRESENCE**

Physical presence means the presence of a deputy, in uniform, with badge and safety equipment, or if in civilian clothes, with badge and identification.

**E. VERBAL COMMANDS**

Verbal commands mean to make a spoken request or command in order to obtain compliance or control or to give direction.

**F. HANDS-ON RESTRAINT**

Hands-on restraint means physically touching a person to obtain response or compliance.

**G. USE OF CHEMICAL AGENTS**

1. Chemical agents may be used only under the following circumstances: when necessary to overcome resistance to a lawful arrest; when necessary to protect a deputy or another person from an assault; and when necessary to defend or protect a deputy or another against vicious animals. The use of chemical agents on non-violent protesters, or non-resisting prisoners, to assist in separating them or making an arrest is not authorized.
2. Chemical agents shall not be used against handcuffed suspects or those restrained by the hobble **unless** the suspect continues to present a serious threat to the safety of the deputy or others or still presents a serious and significant threat to property.
3. Deputies and Sheriff's Correctional Officers using chemical agents must evaluate the medical condition of the sprayed suspect. If a chemical agent was used, after initial exposure, the subject should be checked and interviewed for discomfort from the chemical agent as soon as possible and also not less than 30 minutes after the exposure nor more than one hour from the time the agent was used. If O.C. (Oleoresin Capsicum) agent was used, decontamination may need to be continued for approximately 45 minutes after exposure to the agent. If symptoms persist from the use of O.C. more than 45 minutes after it was used, the deputy/Sheriff's Correctional Officer should take the subject to a medical facility for examination and treatment. A medical incarceration clearance at the jail shall be obtained for any suspect in custody who is sprayed with a chemical agent.

A person who has been sprayed with chemical agent shall not be transported face down on his or her stomach. The deputy shall closely monitor the subject for any visible signs of distress, which appears to require medical evaluation and/or treatment.

Should the subject become ill after an exposure to the chemical agent, he or she should be taken to a medical facility for examination and treatment. If the sprayed suspect loses consciousness or has difficulty breathing, the deputy shall summon an ambulance immediately on a Code 3 basis.

**4. Oleoresin capsicum - O.C.**

- a. All sworn personnel in the Office of the Sheriff, after satisfactory completion of a training course approved by P.O.S.T., are authorized to carry and use O.C. All sworn personnel who have completed the certified course shall carry, while on duty in uniform, O.C. in the approved holder.
- b. O.C. dispensers should be discharged directly into the subject's face at a distance of greater than three feet. O.C. may be ineffective on persons

suffering from certain mental disorders or who are under the influence of certain drugs.

- c. As soon as practical, the person exposed to O.C. should be given fresh air. Whenever possible, cool water should be used to rinse the contaminated area. If the exposed person is wearing contact lenses, he or she should be taken to a medical facility to have the lenses removed; however, if the person exposed to O.C. is not in custody, the deputy shall obtain consent prior to transporting him or her to a medical facility.

#### **5. C.S. and C.N.**

C.S. and C.N. are authorized for use only by the SERT and Crowd Control Units. They may only be used by those individuals who have completed the course approved by P.O.S.T. and who have approval by their unit commander to use those agents.

#### **6. Tear gas**

Tear gas projectiles and grenades only may be used by those individuals who have completed the course approved by P.O.S.T. and who have approval by their unit commander to use those agents.

### **H. PAIN COMPLIANCE HOLDS**

Pain compliance holds means physical touch exerting pressure on body parts to inflict pain.

### **I. USE OF BATON**

1. The Sheriff's Office has authorized the following types of batons for use by sworn personnel: 42" wooden riot baton, 26" wooden or plastic baton, 29" wooden or plastic baton, ASP (or collapsible) baton, and PR24. When a deputy / Sheriff's Correctional Officer does not have access to his or her baton, and the use of a baton is necessary to avoid the use of a greater degree of force, the deputy may use a plastic or metal flashlight not to exceed 16 inches in length, in place of a baton. While the baton is recognized as the primary striking weapon, in circumstances where the baton is not available, a flashlight may be used in its place.
2. Personnel shall not use the baton unless they have received mandatory training as approved by the Support Services Division.
3. The use of the 42" wooden riot baton requires supplemental crowd control training as approved by the Support Services Division for those who are not members of the Crowd Control Unit.

4. The baton may be used only to overcome violent behavior that threatens the safety of the officer or others, or to effect the arrest of combative persons when a lesser degree of force is unavailable or fails to overcome resistance.
5. The baton shall not be used against handcuffed or non-combative persons, unless circumstances exist where use of the baton is reasonable and necessary to protect the deputy or others.
6. Baton blows shall not intentionally be delivered to a person's head, neck, or throat, **except** under circumstances where deadly force is justified and lesser actions are ineffective or inappropriate.
7. Any subject injured by use of the baton shall be taken to a medical facility for examination and treatment, prior to any booking into a jail facility.
8. All members of the Crowd Control Unit will be issued 42" wooden riot batons and will receive the appropriate training. The bokken is no longer authorized for use by the Crowd Control Unit. The 42" wooden riot baton may only be used during crowd control situations by those individuals who have completed training approved by the Sheriff's Office and who have received approval of the Unit Commander or his/her designee.

**J. USE OF CAROTID RESTRAINT**

1. The carotid restraint may be used only when there is a substantial and immediate risk that death or great bodily injury will result from the actions of the person to be arrested. In those situations, the carotid restraint is an alternative to the use of deadly force. **Exception:** The carotid restraint may also be used when that level of less than deadly force is reasonable and no other type of force is practical.
2. The use of trachea choke holds are expressly prohibited unless deadly force is justified.
3. Personnel shall not use the carotid restraint unless they have received mandatory training as approved by the Support Services Division or if it is reasonably necessary in order to protect themselves from death or serious bodily injury.
4. Deputies/Sheriff's Correctional Officers finding it necessary to apply the carotid restraint must monitor the subject's vital signs closely. Paramedics shall be called to administer immediate and continuing first aid to any person who has lost consciousness as the result of the carotid restraint; an incarceration medical clearance at the jail must be obtained prior to booking in all cases in which a carotid restraint has been used.

**K. USE OF DEADLY FORCE**

1. Deadly force is that level of force which is reasonably likely to result in death or serious bodily injury. Although use of firearms is the most common example of the use of deadly force, deputies can use deadly force by other means as well. Deputies should refer to General Order 12.02 (Use of Firearms) regarding use of firearms.
2. A deputy/Sheriff's correctional officer may use deadly force other than by the use of a firearm only:
  - a. In the necessary defense of the deputy/Sheriff's correctional officer or another person when the deputy/Sheriff's correctional officer reasonably believes that he or she or another person is in imminent danger of death or serious bodily injury.
  - b. To make a **felony** arrest when the deputy/Sheriff's correctional officer reasonably believes that the suspect has committed or attempted to commit a felony involving the use or threatened use of deadly force, or when the deputy/Sheriff's correctional officer reasonably believes that a substantial risk exists that the person to be arrested will cause death or serious bodily injury if his or her apprehension is delayed; only after all reasonable means of apprehension and control have been exhausted, and only after warning has been given, if practical.
  - c. As a member of the Sheriff's Emergency Response Team and the deputy is directed to use deadly force by the commander in charge of the team.

**L. VERBAL WARNING OF USE OF FORCE**

1. Whenever feasible, a deputy/Sheriff's correctional officer should provide a warning prior to using force that could result in substantial injury or significant risk of serious injury.

**M. RESPONSIBILITIES AND REPORTING**

1. Deputies'/Sheriff's Correctional Officer's responsibilities at the scene  
Deputies/Sheriff's Correctional Officers using reportable force shall:
  - a. Obtain medical assistance for subjects who have sustained visible injuries or who complain of injury, or have been rendered unconscious;
  - b. Promptly notify their supervisor unless exigent circumstances delay the notification;

- c. Document the use of force in an Incident Report.

Deputies/Sheriff's Correctional Officers observing the use of reportable force who do not believe the spirit and intent of the reporting requirements are being met shall advise their supervisor immediately or as soon as practical.

2. Reporting the use of force

- a. Duty personnel shall, as soon as possible, furnish an oral report to their immediate supervisor in all cases in which they exercise the use of reportable force. For the purposes of this section, "reportable force" means: physical control when the person is injured or claims to be injured, use of chemical agent, use of electronic restraint belt, use of baton or flashlight when a person is struck or jabbed, use of carotid restraint, use of deadly force, when the deputy finds it necessary to strike a subject with his or her fist or any object, or when resistance is such that force is necessary to control the subject.
- b. If the incident involved criminal conduct, the deputy shall document the use of force in the investigation report (IR). A reference to the oral report shall be made in the IR.
- c. Each assisting employee involved in the use of force shall submit a supplemental report accounting for his or her actions.
- d. Employees witnessing the use of force shall submit a supplemental report describing the actions witnessed.
- e. The supervisor shall inform the division captain/lieutenant of all use of force incidents by memorandum or by the patrol supervisor's daily activity log. If the immediate supervisor determines that circumstances surrounding the incident include any of the following criteria, the notification to the captain must be immediate; the captain/lieutenant then may notify the Commander in his or her chain of command. These criteria are:
  - 1. Any injury requiring medical treatment at a hospital.
  - 2. Any situation where the deputy may have committed misconduct or neglect of duty.
  - 3. Any significant application of force, such as use of carotid restraint or baton.

The Commander in the deputy's chain of command shall be notified of any use of deadly force. If use of force occurs as part of a major critical incident, the notifications required by this Order will be supplemented by the notifications procedure for the operations desk at Headquarters Patrol.

In any situation involving the four criteria above, the immediate supervisor shall be notified as soon as practical by the involved deputy and the supervisor shall respond to the scene with priority whenever possible. If conditions permit, the immediate supervisor should personally examine the subject on whom force was used, and should interview the subject regarding the incident, providing that such interview does not violate any rights of the subject or compromise any criminal investigation.

- f. Any employee who fails to report use of force as required will be subject to disciplinary action.
- g. The immediate supervisor shall submit a detailed ER to the division captain in any case where he or she has reason to believe that unnecessary or excessive force may have been used, or that further investigation of the use of force may be necessary.
- h. Whenever a person is handcuffed and not arrested, the deputy shall immediately notify his or her supervisor stating the details of the incident.
- i. The supervisor shall review all reports of the incident and forward the completed report package to the division captain in his or her chain of command with recommendations for action, if any.



**LAURIE SMITH**  
**SHERIFF**



## **FIREARMS ISSUANCE AND TRAINING GENERAL ORDER #12.01**

Adopted: 07/07/2010  
Replaces: G.O. #12.01 dated 01/05/2009

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **PROCEDURE**

#### **A. REQUIREMENTS FOR USE OF FIREARMS**

1. Sheriff's badge personnel while on duty shall carry only those firearms and ammunition that have been issued to them by the Sheriff's Office or have been authorized as secondary backup weapons by this order.
2. The standard handgun issued to all qualified employees is the Glock, Model 22, .40 caliber firearm. Those personnel assigned to an undercover or plainclothes assignment may request to be issued a Glock, Model 27, .40 Caliber handgun for use when either on or off duty. All such requests will be forwarded to the Support Services Division Captain for approval. When an employee is transferred out of an undercover or plainclothes assignment, the Glock 27 shall be returned to Personnel and Training or to the Sheriff's Range.
3. Any exception to this order must have prior written approval from the Support Services Division Captain. No badge personnel shall use any firearm without receiving adequate training as determined by the Rangemaster.
4. Use of Glock semi-automatic pistols
  - a. Clearing stations have been designated for the purpose of loading and unloading the firearm. Only these stations shall be utilized for this purpose.
  - b. Personnel found to be loading or unloading their firearms other than at one of the designated clearing stations shall be subject to disciplinary action,



unless such loading and unloading are parts of the permitted use of a firearm as provided in General Order #12.02 (Use of Firearms).

- c. All personnel are subject to firearms inspections. The semi-automatic pistol's reliability and operation are affected by its maintenance. Those individuals whose firearms are found to be poorly maintained and dirty to the point that the operation of the firearm may be in doubt shall lose their authorization to carry a firearm.
- d. Inspection procedure.
  - 1. Firearms clearing will be conducted only at designated clearing stations.
  - 2. The deputy/Sheriff's correctional officer will remove his or her semi-automatic pistol from the holster over the clearing barrel.
  - 3. With the muzzle of the firearm placed into the clearing barrel, the deputy will remove the magazine. If the firearm is holstered, the magazine will be removed while the firearm is still in the holster, then the firearm will be drawn and the muzzle placed into the clearing barrel.
  - 4. Keeping the finger clear of the trigger, the deputy will eject the round out of the chamber locking the slide to the rear. The deputy will visually and physically check the chamber and magazine well to make sure that they are clear.
  - 5. The firearm will be held in the deputy's shooting hand in the port arms position. The magazine and ejected round will be held in the off hand.
  - 6. After the firearm has been inspected, the deputy will return to the clearing station and with the muzzle of the firearm placed into the clearing barrel, will load the firearm.
  - 7. Range officers may conduct firearms inspections at locations other than specified; however, good judgment shall be used as to the locations selected.
  - 8. The firearms and magazines shall be inspected for proper maintenance as well as ammunition for the authorized type.

### 3. Use of Shotgun

- a. Shotguns assigned to the Patrol Division will be assigned to each vehicle and will be stored in the vehicle's locked shotgun rack.
  - b. Employees will be required to inspect and load the shotgun at the beginning of each shift and unload it at the end of each shift. The standard loading process will be to insert seven rounds of 00 buckshot into the magazine and four slug rounds into the stock. No rounds will be chambered until the weapon is ready for deployment.
- 4. Use of AR15
  - a. AR15s will be assigned to personnel and will be maintained by the individual officer who the weapon is assigned to.
  - b. While assigned to Patrol, employees will be required to inspect and load the AR15 at the beginning of each shift and unload it at the end of each shift.
  - c. Employees who are assigned an AR15 and assigned to a Patrol Division will be required to have the weapon in their Patrol vehicle each shift, locked in the proper weapon mount.
  - d. Employees will keep their assigned AR15 secured in an area within their assigned division that has been designated as a storage area for AR15s or locked in their assigned locker within the Headquarters building or their assigned division. Under no circumstances shall an employee take their AR15 home with them or store it in their personal vehicle.
  - e. Any employee who maintains an AR15 will be required to complete the firearms qualification twice a year.

**B. FIREARMS TRAINING STANDARDS**

- 1. The following training standards are established not only to ensure that all Sheriff's badge personnel are properly trained in the use of their firearms, but also to ensure that they thoroughly understand the consequences of that usage.
  - a. All Sheriff's badge personnel shall qualify as required by this Order. Any employee who fails to maintain the required qualifications is subject to placement in the Firearms Remediation/Requalification Program as well as possible disciplinary action. If an employee is unable to qualify within the required time period due to illness, injury, or approved leave, the Support

Services Division may grant an extension to comply with that period's requirement.

- b. Any employee who fails to qualify with his or her handgun or shotgun will be required to remain at the range that day and receive remedial training from the range staff. The employee will be required to qualify prior to leaving the range (based on Range Master's normal daily schedule) and resuming normal duty. Should he or she not qualify, they will be assigned to the Firearms Remediation/Requalification Program, which consists of an eight hour training day relating to weapon proficiency and will be required to complete the qualification course prior to returning to their normal assignment. The range-master shall immediately notify the employee's division captain as well as the captain in Support Services as to the failure to qualify as well as retain the employee's handgun, should that be the weapon the employee is not qualified with.
- c. The Firearms Remediation/Requalification Program will be run through the Personnel and Training Division, via the range-master, and will consist of an eight-hour training day in which employees will receive instruction on those areas of deficiency. The employee will be allowed to practice shooting techniques and will then be allowed two opportunities to shoot a qualifying score.
- d. This Firearms Remediation/Requalification Program will begin on the next regular working day of the range. Any work time missed between the failure to qualify and the remedial program time shall be charged to the employee's vacation bank or leave without pay, at the discretion of the employee.
- e. Those employees who have not attained a qualifying score after completing the Firearms Remediation/Requalification Program shall be subject to disciplinary action, up to and including termination.
- f. Those employees who do qualify after completing the Firearms Remediation/Requalification Program will be returned to their original duty assignment and shall be required to attend range qualification once per month for the next six months. This six-month period of qualification will be completed on duty and on dates and times scheduled by the division commander. If during this six-month period, the employee fails to qualify, he or she shall be reassigned to the Firearms Remediation/Requalification Program. No employee shall be allowed to participate in the Firearms Remediation/Requalification Program more than two times a year nor more than three times in his or her career.

- g. If an employee fails to qualify with the optional AR15 he/she will have thirty (30) days in which to qualify but may not carry the weapon until he/she has qualified with it. The range master shall immediately notify the employee's division captain as well as the captain in Support Services as to the failure to qualify. If by the end of the thirty (30) days the employee does not qualify, they may no longer carry the weapon until he/she demonstrates proficiency with the weapon, qualify with the weapon and are approved by the range master and division captain to once again carry the weapon.
- h. All Sheriff's badge personnel will:
1. Qualify on a comprehensive training course as established by the Support Services Division at least once during each of the following six month period: January 1 through June 30 and July 1 through December 31.
  2. The qualification course shall provide familiarization and skills in shooting techniques, enabling the deputy to utilize the handgun, shotgun and the optional AR15, both safely and effectively, while providing instructions regarding the consequences of the use of deadly force.
  3. All Sheriff's badge personnel will qualify with all firearms they carry on duty. There will be no exceptions.
  4. Personnel assigned to carry specific departmental weapons due to an assignment to a special team, must be qualified with those weapons on a course established by the special team.
  5. Sheriff's Office personnel, upon graduating from the recruit training academy, will be considered qualified to carry a firearm for the qualification period in which they graduate.
  6. Qualify with the clothing they wear at work (i.e. uniform, suit/tie) at least once per year.
- i. The Support Services Division will keep accurate records to ensure the compliance of all badge personnel with Sheriff's Office qualification requirements and will prepare a list of names to forward to the Sheriff of those personnel who fail to comply with the standards.
- j. Any employee who fails to qualify with any of their assigned weapons shall receive Formal Written Counseling. This action does not circumvent any other formal disciplinary action that might be taken.

**C. RANGE RULES**

1. In order to promote a safe environment for firearms training, the following rules shall be in effect at the Sheriff's Office range facility:
  - a. No firing is permitted unless an authorized range instructor is present. There shall be no exceptions.
  - b. Personnel on the range shall adhere to all instructions and orders of the range officer in charge.
  - c. Firearms will not be handled, loaded or unloaded unless the rangemaster gives specific instructions or permission to do so.
  - d. Deputies shall always handle every firearm as though it were loaded.
  - e. Uncased or unholstered revolvers will be carried by the top strap with the cylinder open.
  - f. Uncased or unholstered (semi-automatic) pistols will have the magazine removed and the slide locked open.
  - g. Uncased rifles and shotguns will be carried with the action open.
  - h. Dry firing will be done only on the firing line on command.
  - i. If a firearm is handled from one person to another, the cylinder, slide, bolt, or action will be open and the person receiving the firearm will check to verify that it is not loaded.
  - j. When on the firing line, if the firearm is not holstered, it shall be pointed down range.
  - k. When firing a course that requires drawing the firearm from a holster, the shooter shall keep his or her fingers out of the trigger guard until the firearm is clear and pointed down range.
  - l. If a misfire occurs or mechanical difficulty develops with a firearm, the shooter should attempt to clear the firearm. If the shooter is unable to rectify the problem, assistance should be summoned from the range staff.
  - m. If assistance is needed while on the firing line:

1. Keep the firearm pointed down range
  2. Call for the range officer
  3. Raise the free hand above your head
  4. Wait for further instructions.
- n. No alcoholic beverages are permitted within the range compound.
- o. Personnel will not be permitted on the range if they have been drinking alcoholic beverages, or have consumed a drug, which are likely to impair their ability to safely operate a firearm.

**D. ON-DUTY BACKUP FIREARMS**

1. The Sheriff has authorized the use of secondary or back-up firearms during on-duty hours if the employee and the equipment meet the following criteria:
  - a. The employee is authorized under California State Penal Code Section 830 to carry firearms in the performance his or her assigned duties.
  - b. The employee is carrying his or her primary agency-issued duty weapon in a loaded condition.
  - c. The firearm is purchased by the employee and is maintained as the personal property of the employee carrying the firearm.
  - d. The firearm is used and maintained in original factory condition without any modifications, (limited modifications may be authorized by the Sheriff Office Range Master to the sights and grips of the guns in order to accommodate the user, but such authorization shall be requested in writing and approved prior to any modifications being made).
  - e. The firearm is carried in a concealed manner on the employees' person and is not subject to casual view by others.
  - f. The firearm is carried in a holster or other device which is designed to prevent accidental discharge, dropping, or loss during strenuous work activities. All holsters shall be pre-approved in writing by the Range Master prior to use.
  - g. The employee qualifies bi-annually with the backup or secondary firearm at the Santa Clara County Sheriff's Office firearms Training Facility in accordance with the standards set by the Sheriff's Office Range Master.

- h.** The firearm meets the following criteria:
  - 1.** Any Glock Semi-Automatic pistol with an overall barrel length of four inches or less, chambered in 9mm Para. (9x19), .40 S&W or .45 A.C.P.
  - 2.** Any Colt or Smith and Wesson double action revolver with an overall barrel length of 4 inches or less, and of five or six shot capacity, chambered for either .38 special or .357 magnum.
  - 3.** Any variance to weapon type must be approved by the Support Services Division Captain and the range master.

**E. OFF-DUTY FIREARMS**

- 1.** The carrying of a firearm off-duty is not required by the Sheriff's Office, but is permitted by state law. Off-duty deputies who choose to carry a concealed firearm pursuant to state law must meet the following guidelines:
  - a.** Off-duty weapons, (if other than the officers' issued duty weapon), holsters, and support equipment must be purchased and maintained by the individual officer and shall remain the personal property of the employee.
  - b.** The firearm must be carried in a holster which is designed for the weapon, and which securely attaches to the employees clothing or the interior portion of a backpack, purse, or other bag designed to carry firearms.
  - c.** All off-duty weapons shall be carried in a manner that conceals the weapon from public view, and conceals the fact that the employee is in possession of a firearm.
  - d.** The off-duty employee must carry their agency ID card for the purpose of providing officer recognition.
  - e.** If the firearm is not carried on the person, it must be secured in a safe manner and the employee will take all reasonable steps to prevent any loss of control of the firearm.
  - f.** The Sheriff's Office encourages all employees who wish to carry a firearm off-duty to complete the Sheriff's Office Weapons Proficiency Course of Fire on a bi-annual basis at the Sheriff's Office Range Facility.

**F. RETIRED EMPLOYEES**

1. The carrying of a firearm as a Retired Deputy Sheriff is not required, but is permitted under State authority with a valid C.C.W. endorsement issued by the Sheriff. The Sheriff retains the right, under Penal Section 12027.1, to revoke the CCW privilege of any retired officer who fails to comply with the following requirements as a condition of receiving and maintaining a CCW endorsement:
  - a. All weapons, holsters, and support equipment must be purchased and maintained by the retired officer and shall remain his/her personal property.
  - b. The firearm must be carried in a holster which is designed for the weapon, and which securely attaches to the retired officer's clothing or interior portion of a backpack, purse, or other bag designed to carry firearms.
  - c. All firearms shall be carried in a manner that conceals the weapon from public view, and conceals the fact that the retired officer is in possession of a firearm.
  - d. The retired officer must carry his/her agency ID card when carrying a concealed firearm for the purpose of providing officer recognition.
  - e. If the firearm is not carried on the person, it must be secured in a safe manner.
  - f. Any retired employee who requests a CCW endorsement on his/her retired Sheriff's Office identification card will be required to complete the Sheriff's Office Weapons Proficiency Course of Fire prior to receiving the endorsement.

**G. RETIRED EMPLOYEE PROFICIENCY COURSE REQUIREMENTS**

1. Retired employees must complete the Sheriff's Office Weapons Proficiency Course of Fire with the firearm they intend to carry prior to receiving an identification card with a C.C.W. endorsement. This course of fire may be completed at the Sheriff's Office Range Facility. Retired employees may schedule their proficiency exam by contacting the Sheriff's Office Range Master at (408) 918-3329.
2. Retired employees living out-of-county may complete the proficiency examination on a firing range in their jurisdiction, providing the Range Master in their jurisdiction is willing to complete and sign a Sheriff's Office Course Completion Certificate. These certificates may be obtained by contacting the Sheriff's Office Range Master at (408) 918-3329.
3. All ammunition used by retired employees during the proficiency examination shall be factory loaded ammunition, designed specifically for the firearm to be carried. This ammunition, and all costs related to the proficiency examination, shall be borne by the retired employee.





## USE OF FIREARMS GENERAL ORDER #12.02

Adopted: 07/07/2010  
Replaces: G.O. #12.02 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### POLICY

All reasonable means of apprehension and control shall be exhausted prior to the use of deadly force. No deputy/Sheriff's Correctional Officer will be disciplined if a suspect is not apprehended when all methods short of the use of deadly force have been exhausted and the use of deadly force is determined in the discretion of the deputy to be inadvisable. Under circumstances where a deputy/Sheriff's Correctional Officer has no alternative other than the use of deadly force to protect himself or herself, or to protect others from death or serious injury, the deputy/Sheriff's Correctional Officer is authorized to use deadly force.

### PROCEDURE

#### A. DRAWING THE FIREARM

1. A deputy/Sheriff's Correctional Officer shall draw and exhibit a firearm only:
  - a. At an authorized firing range.
  - b. During inspections.
  - c. When directed to do so by a superior officer or by the range staff or range master.
  - d. When the deputy/Sheriff's Correctional Officer reasonably believes it necessary for his or her own safety or for the safety of others. A deputy/Sheriff's Correctional Officer also may draw and be ready to use a firearm any time he or she reasonably believes that he or she or another person may be in danger of death or great bodily injury.

2. A deputy/Sheriff's Correctional Officer transferring a firearm must unload it and check to make sure it is empty. The deputy receiving the firearm must personally check it to make sure that it is unloaded.

**B. DISCHARGING A FIREARM**

A deputy/Sheriff's Correctional Officer may discharge a firearm under any of the following circumstances:

1. In the reasonable defense of the deputy/Sheriff's Correctional Officer or another person when the deputy/Sheriff's Correctional Officer believes that he or she or another person is in imminent danger of death or serious bodily injury.
2. To make a **felony** arrest when the deputy/Sheriff's Correctional Officer reasonably believes that the suspect has committed or attempted to commit a felony involving the use or threatened use of deadly force, or when the deputy reasonably believes that there is a predicated substantial risk that the person to be arrested will cause death or serious bodily injury if his or her apprehension is delayed; only after all reasonable and feasible means of apprehension and control have been exhausted, and only after warning has been given, if practical.
3. To kill a dangerous animal, or to kill an animal that is so badly injured that humanity requires its removal from further suffering and no other disposition is practical.
4. To give an alarm or to call for assistance in a life-threatening situation when no other means can be used, when discharge would not jeopardize the safety of other persons.
5. For target practice at an approved range as directed by the range master in attendance.
6. As a member of the Sheriff's Emergency Response Team when he or she is directed by the commander in charge of the team. (See Sheriff's Emergency Response Team Policies and Procedures manual).

**C. FIREARMS SHALL NOT BE DISCHARGED:**

1. When lesser force can reasonably be used.
2. When there is an unreasonable risk of danger to bystanders.
3. As a warning to a suspect.

4. At or from a moving vehicle, except when a life-threatening situation requires immediate action in the form of deadly force.
5. At a moving vehicle with the intent to disable it, except as a member of the Sheriff's Emergency Response Team when the member is directed to do so by the commander in charge of the team.

**D. PROCEDURE WHEN FIREARM IS DISCHARGED**

Whenever a deputy/Sheriff's Correctional Officer intentionally or accidentally (other than for practice, qualification or reasonable lawful recreational purposes) discharges any firearm the deputy shall follow the procedures described in General Order #12.03 (Procedure When a Firearm Is Discharged).



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**LAURIE SMITH**  
**SHERIFF**



## **PROCEDURE WHEN A FIREARM IS DISCHARGED GENERAL ORDER #12.03**

Adopted: 07/07/2010

Replaces: G.O. #12.03 dated 4/15/08

Updated: 02/22/2010

Reviewed: 02/22/2010

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### **PROCEDURE**

#### **A. PROCEDURE WHEN FIREARM IS DISCHARGED**

1. Notification and report by employee involved
  - a. Whenever a deputy/Sheriff's correctional officer intentionally discharges, other than for practice, qualification or reasonable and lawful recreational purposes, or accidentally discharges any firearm the deputy/Sheriff's correctional officer shall, as soon as practical, notify the on-duty supervisor stating the circumstances surrounding the incident. The on-duty supervisor shall, as soon as practical, notify the deputy's/Sheriff's correctional officer's division/section commander.
  - b. The deputy/Sheriff's correctional officer discharging the firearm shall, as soon as practical and prior to the end of the deputy's/Sheriff's correctional officer's shift, complete his or her written report of the incident. If the incident is criminal in nature, he or she shall complete an IR. If the incident is not criminal in nature, he or she shall complete an ER. In addition to the IR or ER, the deputy/Sheriff's correctional officer shall complete a Firearms Use Report. The person receiving the reports from the deputy/Sheriff's correctional officer shall provide them to the involved deputy's/Sheriff's correctional officer's division/section commander and to the Investigative Services commander. After review by the division/section commander, the reports will be forwarded to the Assistant Sheriff in the involved deputy's/Sheriff's correctional officer's chain of command.

- c. If the deputy/Sheriff's correctional officer who discharges a firearm is hospitalized or fatally injured or is otherwise incapable of filing the required reports, the deputy's on-duty supervisor is responsible for filing as complete a report as possible pending further departmental investigation.
- d. If the firearms discharge occurs in a facility operated by the Department of Correction, in addition to the notification required by this Order, the deputy/Sheriff's correctional officer shall follow any notification procedure required by any Sheriff's Office Post Order that applies to that facility.
- e. When a firearms discharge occurs, the weapon shall be held for inspection by the rangemaster and shall not be returned to use until deemed safe to do so. In the event the weapon is held as evidence, the rangemaster will conduct the inspection in the presence of the assigned investigator and the weapon will be made safe and held as evidence by the assigned investigator or CSI.

**2. If injury or death results**

If injury or death results from such discharge of a firearm, the following procedures shall be followed in addition to those in section A.1.

- a. The involved deputy/Sheriff's correctional officer will make all reasonable efforts to preserve the scene until relieved.
- b. The first non-involved deputy at the scene will assume command, pending the arrival of superior officers.
- c. The patrol supervisor who is responsible for the area where the incident occurred will respond and take command of the scene until relieved by the on-duty watch commander or the assigned officer from the Investigative Services division. The patrol supervisor will direct the patrol operations desk to notify his or her watch commander as well as the patrol commander and to make other notifications based on the notification list for major critical incidents.
- d. The patrol operations desk will immediately notify the:
  - 1. Investigative Services Division Captain.

2. Assistant Sheriff of Field Enforcement Bureau and Services Bureau.
    3. The Undersheriff
    4. The Sheriff.
    5. Internal Affairs Unit supervisor.
  - e. Other divisional personnel will be precluded from entering into any portion of the scene without the specific authorization of the Field Enforcement or Investigative Services command personnel present at the scene.
  - f. The Investigative Services Division Captain will immediately assign an investigation team and will notify the Field Enforcement commander of their identities.
  - g. The Investigative Services Division Captain may respond and assume command of the investigation.
  - h. The Internal Affairs Unit will monitor and review all phases of the investigation and shall receive full cooperation from the command staff and from Sheriff's Office personnel conducting the investigation.
  - i. As soon as practical, the Investigative Services Captain will notify the District Attorney's Office of the incident.
  - j. As soon as circumstances allow, the deputy/Sheriff's correctional officer involved in the incident will report to the Support Services Division and will be placed on routine administrative status as determined by the Undersheriff and the Support Services Division commander. The deputy/Sheriff's correctional officer shall remain available to personnel conducting the investigation and shall remain on administrative status until ordered back to normal duty by the Support Services Division.
3. If injury or death does not result
    - a. In those cases where the Investigative Services division does not conduct additional investigation, the Assistant Sheriff receiving the reports will forward them to the Undersheriff and Sheriff. After reviewing the reports, the Sheriff will forward them to the Chairperson of the Shooting Review Board to determine if board action will be taken.

- b. In those cases where the Investigative Services Division conducts an investigation, the Investigative Services Division Captain will forward the reports of the completed investigation to the Assistant Sheriff in the involved deputy's/Sheriff's correctional officer's chain of command as well as to the Undersheriff and the Sheriff. After reviewing the reports, the Sheriff will forward them to the Chairperson of the Shooting Review Board to determine if board action will be taken.

**4. Investigative services**

- a. The investigators assigned to the shooting incident shall conduct a thorough investigation and shall prepare a written report documenting their conclusions. The investigation shall receive a high priority and should be completed as soon as practical.
- b. Upon completion of the investigation, the Investigative Services Division Captain shall submit the report to the Undersheriff and Sheriff so that a Shooting Review Board can be constituted.

**B. SHOOTING REVIEW BOARD**

**1. Membership of the board**

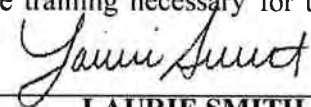
- a. The Shooting Review Board shall consist of the following members:
  - 1. The Undersheriff or an Assistant Sheriff, selected by the Sheriff, who shall serve as Chairperson.
  - 2. A union representative as selected by the president of the involved individuals union.
  - 3. Support Services Division Captain.
  - 4. Chief range-master.
  - 5. Division commander or section commander of officer involved.
- b. When a designated member is unable to attend a scheduled board meeting, the next person in the chain of command of that division will sit on the board and will assume the full authority of the absent member.

**2. Meetings of the board**

- a. A meeting of the board shall be called by the Chairperson within a reasonable time after the completed Investigative Services Division report is received by the Chairperson from the Sheriff.
- b. Review of shootings that do not result in injury or death and animal shootings will be at the discretion of the Chairperson.

3. Authority of the board

- a. The board is charged with the responsibility of reviewing all the circumstances surrounding the discharge of a firearm by a member of the Sheriff's Office. The board shall have access to all Sheriff's Office investigation reports relevant to the shooting, including reports of the Internal Affairs Unit.
- b. All employees shall cooperate with the Shooting Review Board.
- c. The board may call upon witnesses, including the involved deputy/Sheriff's correctional officer. Any interrogation of the involved deputy/Sheriff's correctional officer will be in compliance with the Public Safety Officers Procedural Bill of Rights Act.
- d. Members of the board shall maintain confidentiality of the information obtained through their investigation except as required to carry out their duties as members of the board or as otherwise directed by the Chairperson of the board.
- e. The board shall, after reviewing the facts, make a recommendation as to whether the shooting fell within the parameters of the Sheriff's Office's General Orders. This recommendation shall be made by a majority vote of the board.
- f. The findings of the board will be immediately forwarded to the Sheriff for review.
- g. The Sheriff will make the final decision as to whether disciplinary action is to be initiated against the deputy/Sheriff's correctional officer and the nature and extent of that action.
- h. The board may make and/or receive recommendations for the modification of the Sheriff's Office's firearms use policy and may make recommendations concerning the training necessary for the effective implementation of such policy.







## USE OF LESS LETHAL MUNITIONS GENERAL ORDER #12.04

Revised: 07/07/2010  
Replaces: G.O. dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

The Sheriff's Office permits the use of less lethal munitions when reasonable and appropriate to assist with the de-escalation of potentially violent confrontations.

### **PROCEDURE**

#### **A. DEFINITION**

For purposes of this policy, less lethal munitions are defined as those munitions which can be fired, launched or otherwise propelled for the purpose of encouraging compliance, overcoming resistance or preventing serious injury without posing a significant potential for causing death. These munitions may cause similar injuries to those caused by the police baton, PR24, or other impact weapon and may be referred to as "extended range impact weapons." Examples of less lethal munitions include beanbags (lead shot filled), launchable wooden, foam or rubber projectiles (sometimes referred to as batons or pellets).

#### **B. TYPES OF LESS LETHAL MUNITIONS**

Only weapons and munitions approved by the Support Services Division shall be used by the Sheriff's Office. Approved weapons and munitions will be used within the guidelines specified by the manufacturer.

#### **C. LEVEL OF FORCE**

When deployed to the areas of the subject's body unlikely to cause death or serious physical injury, less lethal munitions constitute greater force than the use of a baton, but lesser force than use of a carotid restraint. The less lethal impact projectile is considered a lethal use of force if intentionally deployed to the subject's head or neck. Officers may only use less lethal munitions, when the use of force is reasonable, to prevent the commission of a public offense; to prevent a person from injuring himself or herself; to effect the lawful arrest or detention of persons resisting or attempting to evade that arrest or detention; or in self-defense or in the defense of another person. Officers shall comply with the provisions of the General Order regarding the use of force.

Officers may **only** use less lethal munitions, when permitted as described above, under the following circumstances:

1. when deadly force would be justified and the use of less-lethal options would assist in enabling an arrest, restoring order and/or reducing the risk of more serious injury.
2. when use of that level of force is necessary for restoration or maintenance of order during jail disturbances, cell extractions, or civil insurrections, and where the use of deadly force is not justified.
3. when necessary to use that level of force to take into custody persons who are armed with deadly weapons, either conventional or non-traditional, and where the use of deadly force is not justified.
4. when necessary to use that level of force to subdue armed individuals threatening suicide, and where the use of deadly force is not justified.
5. when necessary to use that level of force to subdue vicious animals.
6. when lesser degrees of force (as described in the Sheriff's Office escalation of force policy) have failed or cannot reasonably be used and the use of less lethal munitions is reasonable and necessary to prevent serious physical injury or death to the officer or to others.

#### **D. AUTHORIZATION TO USE**

Only personnel who have successfully completed a training course approved by the Sheriff's Office in the proper use and deployment of less lethal munitions shall be authorized to use them during actual operations. Personnel authorized to use less lethal munitions shall participate in periodic training and/or qualification courses as determined by the Training Manager. Individuals shall be qualified at least annually.

**E. PRECAUTIONS WHEN USING LESS LETHAL MUNITIONS**

1. Safety of civilians and officers is paramount.
2. Only approved, factory loaded ammunition may be used.
3. Less lethal munitions should not be used when the subject is in danger of falling from a significant height unless the circumstances justify the use of deadly force.
4. Each round of ammunition will be inspected prior to being loaded into the delivery weapon.
5. Special consideration will be given when information indicates that the subject has a physical condition which could increase the effect of less lethal munitions.

**F. EVALUATION**

The deploying officer should evaluate the potential effectiveness of each round fired into the subject. Ineffective rounds should be followed by the most appropriate action such as choosing additional or alternative target areas, use of an alternative weapon, or the need to deploy an alternate level of force.

**G. OFFICER SAFETY**

Deployment of less lethal munitions should include the use of at least one cover (backup) officer to ensure the safety of the deploying officer and to assist with proper tactical considerations.

**H. EVALUATION OF SUBJECT**

Subjects who are struck by less-lethal impact projectiles shall be immediately evaluated for emergency medical attention. They shall be transported to a medical facility for evaluation as soon as practical. A medical clearance will be obtained for any subject who will be booked into a jail facility.

**I. INVESTIGATION**

Whenever an officer discharges a firearm using less lethal munitions, except when firing on an authorized range, the officer shall, as soon as practical, notify the on-duty supervisor stating the circumstances surrounding the incident and shall document that use of less lethal munitions. Additionally, the projectile and any debris shall be collected and submitted as evidence. Photographs of the subject and any wounds should be taken and forwarded with the case report. The less lethal weapon will be inspected by the Rangemaster prior to being placed back into service.

**J.     REPORTING REQUIREMENTS**

The use of less lethal impact munitions constitutes a use of force and, as such, must be reported. Officers using less lethal impact munitions shall prepare a Firearms Use Report in addition to an investigation report (IR). Officers observing the use of less lethal impact munitions shall prepare a supplemental investigation report (IR) documenting their observations. The division captain shall forward the completed Firearms Use Report and IR to the Undersheriff and the Assitant Sheriff in the chain of command for review. The Undersheriff then shall forward the report to the Sheriff, who will designate the Undersheriff or a Assistant Sheriff to convene the Shooting Review Board.

**K.     SHOOTING REVIEW BOARD**

The Chairperson of the Shooting Review Board shall convene the board to examine all incidents involving the use of less lethal munitions where death or serious bodily injury results. The Chairperson of the Shooting Review Board has the discretion to convene the Shooting Review Board to examine incidents in which less lethal munitions were used other than for training purposes and death or serious bodily injury did not result.



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**LAURIE SMITH**  
**SHERIFF**



## **POST-SHOOTING INCIDENT PROCEDURE GENERAL ORDER #12.06**

Adopted: 07/07/2010  
Replaces: G.O. #12.06 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

### **POLICY**

It shall be the policy of the Sheriff's Office to take immediate action after an officer-involved shooting incident to safeguard the continued good mental health of all involved personnel.

### **PURPOSE**

The purpose of this policy is to provide guidelines that shall be uniformly applied following any officer-involved shooting incident that has resulted in death or serious bodily injury, in order to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder.

### **DEFINITIONS**

*Post-Traumatic Stress Disorder:* An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress

*Officer-Involved Shooting Incident:* A line-of-duty incident where shooting causes death or serious bodily injury to an officer or other person.

### **PROCEDURE**

#### **A. Handling of Officers at Scene of Shooting Incident**

1. A supervisor shall be dispatched to the scene of the incident, and shall assume primary responsibility in the handling of the scene as well as the caring for involved personnel.

2. The supervisor shall make appropriate arrangements for all necessary medical treatment.
3. During any period where the involved officer(s) is required to remain on the scene, but has no immediate duties to fulfill, the deputy should be taken to a quiet area away from the actual scene of the incident. A peer counselor or other supportive officer should remain with the deputy, but should be advised not to discuss details of the incident and must adhere to this advisement.
4. The supervisor should arrange for the deputy directly involved in the incident to leave the scene as soon as possible, and be taken to a quiet, secure location.
5. Where possible, the supervisor shall briefly meet with the involved deputy.
  - a. No stimulants or depressants should be given to the deputy unless administered by medical personnel.
  - b. Only minimal, preliminary questions should be asked about the incident. These questions should be limited to number of shots fired, direction of shooting and any outstanding suspects. The deputy should be advised that a more detailed debriefing will be conducted at a later time.
  - c. Any standard investigations that will occur concerning the incident should be discussed with the deputy.
  - d. The deputy should be advised that they may seek legal counsel.
  - e. The deputy should be advised not to discuss the incident with anyone except a personal or agency attorney, union representative, or departmental investigators, until the conclusion of the preliminary investigation.
6. The supervisor shall take custody of the deputy's duty weapon and utility belt as well as any secondary weapons that the deputy might have. This should be accomplished in a discrete manner and the deputy should be given information as to how and when it will be replaced.
7. Involved deputies should be allowed to notify their families about the incident as soon as possible. Where a deputy is unable to do so, a Sheriff's Office official shall personally notify the family, and arrange for their transportation to wherever the deputy is taken.
8. At all times, when at the scene of the incident, the supervisor should handle the deputy and all involved personnel in a manner that acknowledges the stress that may be caused by the incident.

**B. Post-Incident Procedure**

1. Involved personnel shall be removed from line duties pending evaluation but shall remain available for any necessary investigations.
2. All deputies who discharge their weapon in an officer-involved shooting incident shall be placed on Administrative Leave for a minimum of one work week and shall be required to contact the Sheriff's Office designated specialist for counseling services.
3. The Sheriff's Office strongly encourages the families of the involved deputy to take advantage of available counseling services.
4. Any Sheriff's Office investigation of the incident shall be conducted as soon as and as quickly as practical.
5. The Sheriff's Office should provide brief information to other department members concerning the incident so that rumors are kept to a minimum.
6. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident. Involved personnel shall refer inquiries from the media to the Sheriff's Office spokesperson, unless otherwise authorized to release a statement pertaining to the incident.
7. Deputies who fired their weapon during the shooting incident shall be required to requalify as soon as practical.
8. If a new weapon is required to be issued during the time of investigation, the weapon will be issued by the Rangemaster or Support Services Division Captain and the employee will be required to qualify immediately with that weapon.

**C. Daily Stress Recognition**

1. As post-traumatic stress disorders may not arise immediately, or the deputy may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of their staff for symptoms of stress.
2. A supervisor may request that a deputy seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting the officer's job performance. This request shall be submitted via the chain of command and treated as confidential.

**D. Training**

1. The Sheriff's Office shall provide employees with training pertaining to post-traumatic stress disorders and the uniform procedures contained in this policy.
2. Supervisors are responsible for making available to their staff information about the Sheriff's Office peer counseling group and mental health services.



**LAURIE SMITH**  
**SHERIFF**





## EMERGENCY OPERATIONS OF A VEHICLE GENERAL ORDER #13.01

Adopted: 07/07/2010  
Replaces: G.O. #13.01 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### POLICY

In order to assure community safety as well as the safety of our employees, all Sheriff's Office personnel will operate all department vehicles in accordance with the law and this order.

### PROCEDURE

#### A. Code(s) of Response:

##### 1. "Code One" response -- At Your Convenience

- a. "Code One" responses shall be used when the assignment does not involve an emergency or other urgency. If the response will be delayed, the deputy will advise County Communications of the delay. Examples include:

- 1. Notifications.
- 2. Coordinating with other officer(s).

- b. All "Code One" responses disallow use of red lamp and/or siren, and require adherence to all normal traffic safety laws.

##### 2. "Code Two" response -- Urgent

- a. "Code Two" responses shall be used when the assignment does not involve an emergency, and the officer must respond immediately.
- b. All "Code Two" responses disallow use of red lamp and/or siren, and require adherence to all traffic laws.

1. At no time shall the officer use any emergency equipment or flashing lights to aid in this response.
    - c. This is the normal response to all calls unless directed otherwise.
  3. "Code Three" response -- Emergency
    - a. "Code Three" operation of Sheriff Office vehicles
      1. Emergency response (superseding normal traffic law) is permissible when:
        - a. The vehicle is being driven in response to an emergency call or an emergency request.
        - b. The vehicle is being used in the immediate pursuit of an actual or suspected violator of the law.
      2. All due regard to both street/highway traffic and public safety must be exercised by officers engaged in any "Code Three" driving.

**B. "Code Three" implementation procedure:**

1. "Code Three" shall be enacted only in the cases of emergency, as outlined in section. A/3 above.
2. The officer initiating a "Code Three" response shall first carefully evaluate the necessity for such action on the basis of available information as to the urgency of the situation and any alternative measures that may be employed, and to acknowledge responsibility for such action(s) taken.
3. Sheriff's Office personnel shall not initiate "Code Three" response and pre-response unless such a course of action is fully justified as proper and necessary, according to the urgency and gravity of the situation.
4. In all instances wherein deputies in the field elect to initiate a "Code Three" response, or engage/participate in a "Code Three" pursuit, they shall be responsible for their decisions, and at all times be subject to the following conditions:
  - a. County Communication shall be advised whenever personnel elect to operate departmental vehicles in a "Code Three" manner, except when:

1. Routine traffic law enforcement or field interrogation stops involving the use of red lamp/siren would not ordinarily require notification of the County Communication.
2. Note: When engaged in emergency response, a pursuit becomes in itself an imminent hazard to life or property, and every effort shall be made to minimize that hazard, as per officer discretion.
5. Upon receipt of notification of a "Code Three" operation initiated by deputies in the field, the radio dispatcher shall notify the Sheriff's Office Patrol Sergeant and the Operations Desk, regarding the activity and the reason(s) preceding.

C. Vehicle pursuit guidelines:

1. The General Order pursuit guidelines are adopted as Sheriff's Office policy for pursuit procedure.
2. Officers intending to stop a vehicle should be within close proximity to the violator's vehicle before activating red lamp and/or siren and attempting the stop. This will tend to reduce the violator's temptation to evade officer contact. Close proximity is defined as not more than one city block.
  - a. Law violators cannot be allowed to escape at will because there is a threat to the safety of others. Pursuit should be initiated and continued when the threat to safety is not out of proportion to the offense or offenses involved.
  - b. If there is reason to believe the suspect represents a threat to public safety should he escape, pursuit should be continued even though the hazards may be extreme. The officer on location must use professional judgement to decide whether or not the threat to safety of further pursuit outweighs the benefit to the public should the arrest be made.
  - c. The initial pursuing unit shall be responsible for the conduct of the pursuit unless he/she is unable to remain close enough to the violator's vehicle to prevent losing visual contact.
  - d. When the secondary unit replaces the initial pursuing unit, that unit then becomes responsible for the conduct of the pursuit and continues in that capacity until the pursuit is either terminated or a succeeding secondary unit replaces the former.
  - e. A supervising officer from the initiating agency shall take charge of the pursuit after notifying the pursuing units of their proposed action.

3. The completion of CHP pursuit report form 187 by the officer is required for all vehicle pursuits.

- a. Officers shall complete the approved form as soon as possible upon returning from the pursuit.
- b. An Incident Report shall be completed, noting the details and reasons for the pursuit, and criminal act noted. If no Incident Report is completed, an Employee Report shall be completed to include details and reasons for the pursuit.
- c. The supervisor of the involved deputy shall insure that all reports are submitted as required.

**D. "Code 20" or "30" -- Officer request for emergency assistance:**

1. The following procedure shall be adhered to in responding to all "Code 20" and "Code 30" calls:

a. "Code 20" (non-code three response)

1. The units assigned will respond immediately to the scene of the call, and coordinate (if necessary) with other officer(s) at the scene.
2. Red lamps and/or siren are not in effect for "Code 20" assistance calls.
3. Non-emergency procedure is in effect, and observing all normal traffic regulations shall apply.

b. "Code 30" (code three response)

1. Red lamps and/or siren are authorized for all "Code 30" assistance calls
2. Immediate response is mandatory for all "Code 30" assistance calls.
3. When no further assistance is necessary on "Code 20/30" calls, the ranking officer at the scene will immediately notify County Communications to cancel all other responding units.
4. No unit shall respond "Code Three" to a "Code 30" unless that unit is assigned to the assisting call. Other units will obtain clearance to respond prior to proceeding "Code Three."

5. When clearance as above is obtained, the unit shall attempt to advise County Communications of route of travel, allowing for increasing volume of radio traffic. This will allow subsequent units to be advised.

**E. "Code Three" authorized emergency vehicle (AEV) escorts:**

1. Code Three escorts shall only be utilized under the following conditions and with a supervisors approval.
  - a. When furnished for the preservation of life.
  - b. When expediting movements of supplies and personnel for any federal, state or local governmental agency during:
    1. A national emergency.
    2. A state of war emergency.
    3. State of emergency at any level.
2. Ambulances/Paramedics:
  - a. It shall be department policy to attempt to ride in the ambulance rather than precede it by a departmental (AEV), to avoid a scenario of more than one emergency vehicle increasing the odds of a traffic accident.
  - b. The ambulance is being escorted through Santa Clara County, and the request for escort is made from an outside agency.
  - c. The ambulance driver is unfamiliar with the route and destination.

**F. Roadblocks/other related strategies:**

1. The practice of establishing roadblocks is extremely hazardous and should be undertaken only as a last resort-option. Only in cases where the violator constitutes an immediate and major threat to the safety of others and only when other efforts have failed should roadways be obstructed.
2. On freeways, roadblocks or "slow-downs" should be avoided unless absolutely necessary and only if specifically requested by the originating units(s) involved. Both the pursued and pursuing vehicles, including innocent motorists, are placed in serious jeopardy by slowing or stopping freeway traffic.

3. The blocking of exit or access ramps to freeways is acceptable to preclude citizens from inadvertently driving into the path of the pursuit or to keep the pursued vehicle from returning to congested surface streets.
4. Spike strips can be used to slow/stop the vehicle being pursued, but this should be done in a manner that is safe to the driver pursued and the pursuing vehicles.
5. Ramming of fleeing vehicles should be avoided. Neither should attempts be made to run the pursued vehicle off the roadway. If the originating unit believes either of these two procedures are absolutely necessary, such action should only be taken in cases of major felonies, and then only if the character of the roadway, speeds involved, or hazards to other persons are considered and circumstances still justified such drastic action.



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**LAURIE SMITH**  
**SHERIFF**



## **COLLISION OF COUNTY VEHICLES GENERAL ORDER #13.03**

Adopted: 07/07/2010  
Replaces: G.O. #13.03 updated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

The Sheriff's Office will ensure the thorough and proper investigation of all traffic collisions and legal interventions involving on-duty personnel as well as off-duty personnel while driving Sheriff's Office vehicles. Traffic collisions shown to have been preventable will be reviewed to determine if corrective or disciplinary action is appropriate.

### **PROCEDURE**

#### **A. TRAFFIC COLLISIONS INVOLVING ON-DUTY PERSONNEL**

Employees of the Sheriff's Office who are involved in a collision while driving a County vehicle on or off duty, or are involved in a collision while driving any vehicle while on duty, or who have been assigned a vehicle that is involved in a collision while it is parked will follow the procedures established by this Order.

1. The driver shall immediately notify County Communications that he or she has been involved in a collision. If the driver is not incapacitated, he or she shall request that an investigating officer and a patrol sergeant respond to the scene; however, if the collision takes place outside Sheriff's Office jurisdiction, the driver also shall contact the appropriate jurisdiction to investigate and complete a collision report. The driver shall remain at the scene except in cases of extreme emergency, such as a violent felony in progress.
2. The driver shall not make any statements, oral or written, to any of the involved drivers or witnesses, which describes the driver's involvement in the incident. This does not preclude the driver from providing a statement to the investigating agency officer/deputy responsible for completing the accident report.

3. The driver shall complete a County "Vehicle Accident/ Incident Report" (County Form #6448), and shall forward the report to his or her supervisor by the end of his or her work shift, unless the driver is incapacitated. If the driver is incapacitated, his or her supervisor shall take and document the driver's statement and complete the County "Vehicle Accident/Incident Report". The driver shall also document the accident on an Employee Report which is to be submitted to his/her supervisor by the end of the work shift.

**B. OTHER INVOLVED EMPLOYEES**

Employees riding as passengers in any County vehicle or witnessing a collision as outlined in "A" above shall submit an Employee's Report stating his or her personal observations regarding the incident to his or her supervisor prior to the end of the shift, and shall not make any statements, oral or written, to any of the involved drivers or witnesses which describes the driver's involvement in the incident. Non-employee passengers should be encouraged to not make any statements, oral or written, to any of the involved drivers or witnesses, which describes the driver's involvement in the incident. This does not preclude a witness from providing a statement of observation to the investigating agency officer/deputy responsible for completing the accident report.

**C. RESPONSIBILITY OF THE ASSIGNED SUPERVISOR**

1. If a collision occurs in a jurisdiction where the Sheriff's Office is not the primary agency for the investigation of traffic collisions, the supervisor of the employee driver must ensure that the law enforcement agency in the jurisdiction where the collision occurred is contacted and shall request that an independent investigation be conducted by that agency. If the collision occurs outside of Santa Clara County, and it is practical, the supervisor of the driver should respond to the scene. The supervisor shall request a copy of the investigative report.
2. If a collision occurs in a jurisdiction where the Sheriff's Office is the primary agency for the investigation of traffic collisions, the patrol supervisor responsible for the area in which the collision occurred shall respond to the scene. If a collision report is necessary, the patrol supervisor shall request that a patrol deputy respond to conduct the investigation. The order of priority of the request for a deputy to respond will be:
  - a. West Valley traffic unit with traffic training and experience;
  - b. West Valley beat unit with minimum of intermediate traffic school training;
  - c. West Valley beat unit with any traffic accident training.



3. If a collision falls within the protocol guidelines for a County Counsel investigation, the patrol supervisor will ensure that this protocol is followed.
4. The supervisor shall take any photographs necessary for the investigation and shall monitor the investigation and provide additional help to the Sheriff's Office investigator or to the officer from the investigating agency as needed.
5. The supervisor responding to the scene, or the driver's supervisor, if no supervisor is able to respond to the scene, will prepare a "Supervisor's Review of Employee's Motor Vehicle Incident" report.
6. The supervisor shall submit, via the chain of command, the County "Vehicle Accident/Incident Report" (County Form #6448) and all available incident reports, Employee Reports, supervisor's report, outside agency reports, and supporting documentation to the employee's division captain via the chain of command as soon as practical.

**D. COMMAND OFFICER RESPONSIBILITIES**

1. The first level command officer in the driver's chain of command shall review the reports and documentation of any collision which occurs in his or her command prior to submitting them to the Division captain. The purpose of this review is to ensure proper investigation, documentation, and completeness. The command officer should determine if photographs and any other special reports are necessary to assist in making a finding.
2. The first level command officer in the driver's chain of command shall review the County "Vehicle Accident/Incident Report" for accuracy and completeness, then forward a copy of this report to Fleet Services, ESA Insurance, and the Department Risk Manager as soon as possible. Only the "Vehicle Accident/Incident Report" form should be forwarded to Fleet Services and ESA Insurance.
3. The division captain, after all documentation outlined in section C.6 above is compiled, shall forward the entire packet to the Department Risk Manager (as defined in the General Orders) so that a review by the Accident Review Board can be scheduled.



**LAURIE SMITH  
SHERIFF**



## **SHERIFF'S OFFICE COMMAND VEHICLE GENERAL ORDER #13.05**

Adopted: 07/07/2010  
Replaces: G.O. # 13.05 dated 4/15/08

Updated: 12/31/2007  
Reviewed: 02/22/2010

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### **POLICY**

The Sheriff's Office Command Vehicle shall be available to all divisions for use in any major incident or during any pre-planned event in which the use of this vehicle would add to the effectiveness and efficiency of the incident or event.

### **PROCEDURE**

- A. The following protocol shall be followed to request the use of the Sheriff's Office Command Vehicle during a pre-planned event.
1. A memorandum shall be submitted to the reserve/volunteer coordinator by the division captain or lieutenant of the division making the request.
  2. The memorandum will outline the date, time, and purpose for the request.
  3. Reserve/volunteer coordinator will contact and schedule a volunteer driver for the Command Vehicle.
  4. Operation desk officer shall mark the vehicle reserved for the date requested.
  5. On the date of the event, the volunteer driver will sign out the vehicle at the appropriate time and will sign it back in upon returning.
  6. In the event that a volunteer driver can not be scheduled, a qualified driver from Sheriff's badge staff will be assigned to the vehicle.
- B. The following protocol shall be followed to request the use of the Sheriff's Office Command Vehicle during a major event.

1. The Incident Commander will contact the operations desk and request that the Sheriff's Office Command Vehicle be brought to the scene.
  2. Operation desk officer will contact a volunteer driver and have him respond to headquarters in order to drive the vehicle to the scene.
  3. The volunteer driver will sign out the vehicle and will sign it back in upon returning.
  4. In the event that a volunteer driver can not be scheduled, a qualified driver from Sheriff's badge staff will be assigned to the vehicle.
- C.** The following protocol shall be followed to request the use of the Sheriff's Office Command Vehicle during all other events.
1. The individual requesting the Sheriff's Office Command Vehicle shall make the request through the division captain or lieutenant.
  2. Upon approval, the division captain or lieutenant shall notify operations desk of the request.
  3. Operation desk officer will contact a volunteer driver and have him respond to headquarters in order to drive the vehicle to the scene.
  4. The volunteer driver will sign out the vehicle and will sign it back in upon returning.
  5. In the event that a volunteer driver can not be scheduled, a qualified driver from Sheriff's badge staff will be assigned to the vehicle.
- D.** The Sheriff's Office Volunteer Team shall assume responsibility for the operation of the vehicle during its activation. In the event that no member of the volunteer team can be located to act as the driver, a qualified member of the Sheriff's Office will assume that responsibility.
- E.** The Sheriff's Office Command Vehicle shall be maintained in such a manner that it is at a ready state at all times. The Sheriff's Office Volunteer Program shall be responsible for the maintenance of the Sheriff's Office Command Vehicle.
1. All equipment within the vehicle shall be maintained and checked to assure that it is properly working.
  2. All vehicle equipment shall be maintained and the fluids of the vehicle shall be kept at the appropriate level.

  
**LAURIE SMITH**  
**SHERIFF**



## **TAKE-HOME VEHICLES GENERAL ORDER #13.06**

Adopted: 07/07/2010

Replaces: New Order

Reviewed: 02/22/2010

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### **POLICY**

In order to ensure a timely response to emergency events, certain assignments will be designated as 'on-call', and assigned personnel may be authorized a 'take-home' vehicle, with designated restrictions or limitations imposed on the use of said vehicle.

### **PROCEDURE**

Take-home vehicles are provided to specific on-call job assignments within the department to allow a timely response to an emergency event.

### **LEGAL REQUIREMENTS**

- A. All persons assigned a take-home vehicle shall obey all laws of the State of California, as well as all policies and procedures of Santa Clara County and the Sheriff's Office, as they relate to the operation of motor vehicles.

### **RESPONSE TIME REQUIREMENTS**

- A. All persons assigned a take-home vehicle will respond to an event, when requested, in a timely manner.
- B. Requirements of Use:
  - 1. To ensure a timely response to an emergency event, the vehicle may be used by the assignee at any time, unless otherwise outlined in this order.

2. The assignee will monitor the Sheriff's Office radio at any time the vehicle is being used.
3. The assignee shall, while using the vehicle, have in their immediate possession or within the vehicle, all equipment and attire required to perform his or her duties in a professional manner (including badge, gun, appropriate clothing, etc...)
4. The assignee must have both a valid California driver's license and a current County driver's permit in his/her possession while driving the vehicle.

### **PASSENGERS**

- A. Passengers allowed to travel in a take-home vehicle shall fall within at least one of the following three (3) categories:
  1. County Employee
  2. Persons as necessary during the normal course of work duties
  3. 'Immediate family', as defined in the Memorandum of Understanding

### **GEOGRAPHIC RESTRICTIONS**

- A. The department recognizes the fact that some persons assigned a take-home vehicle may not live within Santa Clara County. All take-home vehicles are restricted to a distance within 65 driving miles of the Sheriff's Office Headquarters building, located at 55 W. Younger Ave., San Jose. Travel using a take-home vehicle beyond 65 driving miles of 55 W. Younger Ave, San Jose requires the approval of a division commander.

### **NOTABLE USE RESTRICTIONS**

- A. The following use restrictions will be followed at all times.
  1. No animals, other than those owned by the department, may be transported.
  2. No smoking is permitted by any occupant in any county vehicle
  3. No modifications shall be performed to any vehicle without the written approval of the department's fleet manager (this includes bumper stickers, license plate frames, parking stickers, window tinting, and any other modifications).

**PERIODS OF NON-USE**

- A. During any leave in excess of one workweek, or when directed by the assignee's division commander, it is required that the vehicle be left at the employee's primary work site.

**MARKED PATROL VEHICLES**

- A. Any marked patrol vehicle authorized as a take-home vehicle shall be limited to travel within Santa Clara County and shall be used for direct commute from a primary residence to a primary work site.



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**LAURIE SMITH  
SHERIFF**



## **COMPLAINTS BY MEMBERS OF THE PUBLIC GENERAL ORDER #14.00**

Adopted: 07/07/2010  
Replaces: G.O. #14.00 dated 04/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

The Sheriff's Office shall receive, document, and investigate as required all allegations of misconduct or neglect of duty involving its personnel brought by members of the public. The investigation of complaints will include those which are anonymous or are brought through a representative of the complainant. However, if an anonymous complaint cannot be verified by other evidence, or the representative refuses to identify the complainant, the complaint will not result in a sustained finding unless there is independent evidence to support such a finding.

### **PROCEDURE**

- A. Complaints by members of the public involving Sheriff's Office personnel may be made:
1. In person, by mail or by telephone to any staffed Sheriff's Office Facility.
  2. In person to any on-duty Sheriff's Office employee/supervisor.
  3. Via the Sheriff's Office website, (internet).
  4. Through the DOC using an Inmate Request Form.
  5. To a trained commissioner, member of the staff or volunteer of the Santa Clara County Human Relations Commission.
  6. County E.O.D.
- B. Forms for members of the public to make written complaints involving personnel of the Sheriff's Office will be available during business hours at the Internal Affairs Unit,

Headquarters Patrol Operations Desk, West Valley Substation, South County Substation and at all Court security screening stations.

- C. During normal business hours, all complaints by members of the public alleging misconduct on the part of Sheriff's Office personnel should be referred directly to the Internal Affairs Unit.
- D. During other than normal business hours, all complaints by members of the public will be referred to the highest ranking officer on duty in the involved division.
- E. If the complaint does not require immediate action, the supervisor will complete an Internal Affairs Unit Complaint Form, obtaining the significant details from the complainant. The supervisor will advise the complainant that he or she will be contacted by the Internal Affairs Unit on the next business day.
- F. If the complaint is of such a serious nature that immediate action is required, the supervisor will contact his or her division commander via the chain of command. The division commander will notify the Internal Affairs Unit to initiate an investigation into the allegation.
- G. The Internal Affairs Unit will document, and will assign a tracking number, to all complaints by members of the public except where:
  - 1. the complaint does not involve an employee or volunteer of the Sheriff's Office,
  - 2. the complaint is frivolous on its face and appears to be the product of mental disease or disorder and no additional action is justified,
  - 3. the complaint does not on its face allege misconduct or neglect of duty which violates law or procedure and no additional action is justified,
  - 4. the complainant disagrees with existing Sheriff's Office policy only and no additional action is justified.
- H. The Internal Affairs Unit shall investigate allegations of misconduct or neglect of duty from members of the public as set forth in these General Orders.
- I. In all cases where a complaint by a member of the public is received, the complainant shall be notified by mail by the Internal Affairs Unit of the final disposition of the complaint unless the complainant did not provide a mailing address. If the complainant cannot be notified by mail and the complainant provided a phone number, the Internal Affairs Unit will attempt to notify the complainant by phone of the final disposition of the complaint. Those complainants whose complaints were not documented and investigated will be notified that their complaint resulted in "no finding." This section



does not apply to complaints filed against one County employee by another County employee.

A handwritten signature in cursive script, appearing to read "Laurie Smith".

**LAURIE SMITH  
SHERIFF**



## **INTERNAL AFFAIRS POLICY AND PROCEDURE GENERAL ORDER #14.01**

Adopted: 07/07/2010  
Replaces: G.O. #14.01 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

The Internal Affairs Unit will conduct thorough investigations of allegations of misconduct or neglect of duty involving employees and volunteers of the Sheriff's Office. The Internal Affairs Unit will also conduct an investigation/review and submit their findings directly to the Sheriff in cases where it is determined a retiree who possesses a concealed weapon permit and has violated a department rule, or State or Federal law that, if violated by a Deputy Sheriff on active duty, would result in that deputy's arrest, suspension, or removal from the agency.

### **PROCEDURE**

#### **A. INTERNAL AFFAIRS UNIT**

1. The Internal Affairs Unit will investigate all allegations of misconduct or neglect of duty involving employees and volunteers of the Sheriff's Office that may lead to formal discipline and will conduct other investigations as directed by the Sheriff or the Undersheriff. "Formal discipline" means any disciplinary action resulting in a letter of reprimand, suspension, or termination. Although this is the general rule, division level investigations relating to performance issues arising out of a divisional assignment may be completed at the division level even if the final outcome could rise to the level of formal discipline.
2. Investigators from the Internal Affairs Unit are authorized to cross all lines of authority to obtain written statements, to interview any employee, and to gain access to other relevant information in regard to an ongoing investigation.
3. The duties and responsibilities of the Internal Affairs Unit are to:

- a. Determine whether or not a violation of Sheriff's Office policies and procedures or County policies and procedures occurred.
- b. Clear those innocent of wrongdoing.
- c. Facilitate prompt and just disciplinary action.
- d. Uncover defective procedures and recommend changes.
- e. Abide by the Public Safety Officers Procedural Bill of Rights.
- f. Utilize an Early Warning System.
- g. Maintain and purge records of disciplinary investigations as provided by California law and by Sheriff's Office policies and procedures.
- h. Provide discovery to the court with the assistance of the Administrative Services Division and the County Counsel's Office.
- i. Report to the Sheriff, the Undersheriff, the Department of Justice, and the community.

**B. INTERNAL AFFAIRS INVESTIGATIONS**

**1. Internal Affairs Unit**

- a. The Internal Affairs Unit will conduct full and thorough investigations of allegations of misconduct or neglect of duty involving employees or volunteers of the Sheriff's Office.
- b. Upon receipt of a case, the Internal Affairs Unit will log it and assign it a case number.
- c. After the case is logged, the Internal Affairs Unit will identify the alleged violations based on a review of Sheriff's Office policies and procedures and Santa Clara County policies and procedures. If the allegations do not describe a violation of those policies and procedures or do not involve an employee or volunteer of the Sheriff's Office and no further investigation is justified, the case may be closed as "no finding."
  - 1. The prepared allegations will outline the violations alleged. A copy of these allegations along with a cover letter will be sent to the employee or volunteer allegedly involved in the incident. The cover letter will instruct him or her on how the investigation will

proceed. The cover letter also will specify the date and time the employee or volunteer must report for an interview.

2. An original copy and a proof of service copy of the allegations (proof of service) will be sent to Division Captain, who will review it and send it to the involved employee or volunteer via the chain of command.
  3. The employee or volunteer's supervisor will give the original copy of allegations to the employee or volunteer. The proof of service copy of allegation will be completed by the employee or volunteer's supervisor to show they were served with the allegations. The supervisor then will return the completed proof of service copy to the Internal Affairs Unit, indicating the time, date issued, and by whom.
- d. The employee or volunteer may be requested to submit a detailed written Employee's Report (ER), to the Internal Affairs Unit, via the chain of command, or may be directed to report for an interview with the Internal Affairs Unit.
  - e. Prior to being directed to respond to the complaint, the involved employee or volunteer will be advised that they have the right to confer with a representative of their choice and to have them present during the interview process.
  - f. The Internal Affairs Unit investigator or supervisor may direct any employee or volunteer not to discuss the matter with any witness, potential witness, or other employee or volunteer other than the employee's representative. Failure to follow this direction may result in disciplinary action.
2. Divisional Investigations
    - a. Divisional level investigations will generally be conducted in those cases that are not likely to lead to formal discipline. Examples of divisional level investigation cases include minor allegations of discourtesy, lack of harmonious work environment, or performance based issues.
    - b. The Undersheriff/Assistant Sheriffs will determine whether or not an allegation will be investigated at the divisional level. Allegations relating to sexual harassment or use of force will not be investigated at a divisional level.

- c. Allegations that will be investigated at the divisional level will be forwarded by the Internal Affairs Unit to the employee or volunteer's divisional captain, via the chain of command.
- d. If during the course of a divisional investigation, the investigator determines that there was misconduct or neglect of duty that justifies formal discipline, he or she will contact the Internal Affairs Unit, which will determine if the case should be returned to the Internal Affairs Unit for investigation.
- e. Upon completion of a divisional investigation, the final report noting disposition, including any discipline, will be returned to the Internal Affairs Unit, via the chain of command.

### 3. Investigative Findings

- a. The investigative report of the Internal Affairs Unit will contain a statement of findings with a recommended disposition--unfounded, exonerated, sustained, not sustained, or no finding--for each alleged violation.
  - 1. Unfounded: The investigation indicates the act complained of did not occur.
  - 2. Exonerated: The investigation indicates the act occurred, but the act was justified, lawful, and proper.
  - 3. Sustained: The investigation finds by a preponderance of the evidence that the act complained of did occur and constitutes a violation of Sheriff's Office policies and procedures or Santa Clara County policies and procedures.
  - 4. Not sustained: The investigation cannot prove or disprove the allegations by a preponderance of the evidence.
  - 5. No finding: The investigation did not result in any finding because of lack of cooperation of witnesses, because the allegations did not contain any violation of Sheriff's Office policies and procedures or Santa Clara County policies and procedures, or because the allegations did not involve an employee or volunteer of the Santa Clara County Sheriff's Office.

**C. INVESTIGATION OF CRIMINAL CASES INVOLVING EMPLOYEES OR VOLUNTEERS OF THE SHERIFF'S OFFICE**

1. In cases where a deputy or investigator receives an initial call to a matter involving a Sheriff's Office employee or volunteer suspected of being involved in a criminal act, the deputy/investigator will immediately notify his or her supervisor.
  - a. The supervisor may choose to replace the deputy or investigator and will notify the division commander's respective Assistant Sheriff.
  - b. If the supervisor chooses to replace the initial deputy, the deputy who replaces the first will be at least one rank higher than the suspect employee.
  - c. The supervisor will monitor the handling of the case to ensure impartiality until the replacement officer arrives.
  - d. The on-duty watch commander may, with the direction of command staff, put the involved officer on administrative leave pending the outcome of the investigation.
2. When a Sheriff's Office employee or volunteer is suspected of criminal conduct, the Internal Affairs Unit will immediately begin a parallel Administrative Internal Affairs Investigation, unless the Undersheriff determines that the Administrative Internal Affairs Investigation will impede or obstruct the criminal investigation/prosecution.
3. Criminal investigations of Sheriff's Office employees and volunteers that allegedly took place within Sheriff's jurisdiction in Santa Clara County will normally be assigned to the Investigative Services Division. These assignments will be made by the Sheriff or the Undersheriff and the assigned detective will report directly to the assigning authority.
4. When during the course of an Internal Affairs investigation, the Internal Affairs Unit suspects that there has been a criminal violation, the Sheriff or Undersheriff will determine who should continue the investigation.
5. In all cases involving suspected criminal conduct, the Internal Affairs Unit may monitor the criminal investigation and shall have access to interviews and evidence. The Internal Affairs Unit shall not disclose any confidential information to the criminal investigator.

**D. REVIEW OF INTERNAL AFFAIRS UNIT FINDINGS**

1. Upon completion of its report and findings, the Internal Affairs Unit shall forward the report to the involved employee's Lieutenant, Captain and Bureau Assistant Sheriff for review.
2. Upon completion of the review process, the Internal Affairs Lieutenant shall schedule a meeting with the involved employees Lieutenant, Captain and the involved employee's Bureau Assistant Sheriff. The purpose of this meeting is to review the findings and determine if there is concurrence with the findings as it relates to the allegations. If further investigation is required, the report will be returned to the Internal Affairs Unit for such investigation. Upon completing the additional investigation, another meeting will be scheduled for review and concurrence.
3. If the findings of the Internal Affairs report do not contain any sustained allegations and the Command Staff concurs, the report and findings will be sent to the Internal Affairs Unit with a signed concur form from the Assistant Sheriff. The Internal Affairs Unit will send the findings to the involved employee where disciplinary action is not intended.
4. If the findings of the Internal Affairs report contains a sustained allegation, the report will be forwarded to the Support Services Captain who will schedule a meeting of the Discipline Review Board.
5. If the outcome of the Discipline Review Board leads to recommended disciplinary action and the Command Staff and/or Sheriff concurs, the report and findings will be sent to the Support Services Captain directing that a notice of proposed discipline be prepared and designating who will be the hearing officer should the employee request an opportunity to be heard. If the employee does request a hearing, the Assistant Sheriff will direct the Internal Affairs Unit to prepare a discovery packet for the involved employee, including a copy of the report and findings as well as copies of recorded interviews and any relevant supporting documents.
6. If the complainant filed the complaint as a member of the general public, the Internal Affairs Unit will draft and send a letter to the complainant indicating the results of the investigation as provided in Penal Code section 832.5. If the complainant is a Sheriff's Office employee, the Internal Affairs Unit will verbally advise the complainant that the complaint has been resolved. No notice will be sent, and no details of how the matter was resolved will be released to an employee when complaining about the behavior of another employee unless the allegations include a complaint of sexual harassment.

**G. SUPPORT SERVICES DIVISION RESPONSIBILITIES**

The Captain of the Support Services Division is responsible for:

1. Drafting the recommended disciplinary action letter. The letter will indicate the name of the hearing officer and shall describe the employee's Administrative and County appeal rights.
  - a. Copies of the recommended disciplinary action will be sent to the Sheriff, the Undersheriff and the Assistant Sheriff, as well as the employee's bargaining unit in cases involving 521 employees.
  - b. A copy of the notice of intended discipline will be placed in the employee's personnel file in the Support Services Division.
2. Ensuring the recommended disciplinary action letter is served on the involved employee. The original letter should be hand delivered whenever possible. The server should be one rank above the employee. The person serving the document on the involved employee shall return a "proof of service" copy of the recommended disciplinary action letter to the Support Services Division. If the server is unable to hand deliver the notice, service will be made by registered and regular U.S. mail (add 3 days to any service/response requirement).
3. Drafting and sending a notice of the findings of the hearing officer.
  - a. The Hearing Officer, in conjunction with the Support Services Division will draft the Hearing Officer's Decision letter. The Support Services Division will forward the Hearing Officer's Decision Letter as follows:
    1. The letter will be hand delivered, if possible, to the employee. The server should be one rank above the employee. He or she shall return a "proof of service" copy to the Support Services Division. If unable to hand deliver the letter, service will be made by U.S. registered and regular mail.
    2. Copies of the letter will be forwarded to the Sheriff, the Undersheriff, the Assistant Sheriff, County Labor Relations, and County Central Personnel.
    3. A copy of the Hearing Officer's Decision will be placed in the employee's personnel file in the Support Services Division.



- b. The letter will include the employee's appeal rights to the next step, which is either an appeal to the County Personnel Board or to the grievance procedure established under the employee's bargaining unit's M.O.U.
4. Assisting County Labor Relations with notification of all required participants for the final appeal process.
5. Making any seniority adjustments resulting from any disciplinary action and confirm with the appropriate division payroll section that all payroll adjustments have been processed.

#### **H. MEETING WITH THE HEARING OFFICER**

1. When the hearing officer receives a request for a meeting, he or she shall schedule it for a date and time convenient to both parties, (but within a reasonable period of time after service of the recommended disciplinary action letter). The hearing officer shall advise the Support Services Division of the date, time, and location of the meeting as soon as possible.
2. The meeting with the hearing officer often is referred to as a "Skelly" hearing. It is an informal proceeding and should not be tape recorded. All participants are allowed to make any handwritten notes for their own individual record.
3. The hearing officer will notify the Support Services Division of his or her findings. These findings may include changes to the original findings regarding the allegations and changes to the intended level of discipline.

#### **J. APPEAL OF HEARING OFFICER'S DECISION**

1. After the hearing officer makes his or her decision, the employee has the right to appeal, which is either an appeal to the County Personnel Board or through the grievance procedure established under the employee's bargaining unit's M.O.U./Contract.

#### **K. EARLY WARNING SYSTEM**

1. The Sheriff's Office has established an Early Warning System to identify behavior patterns which may need to be addressed to improve the efficiency of individual employees as well as the Sheriff's Office as a whole. The Early Warning System is non-punitive in nature and is separate from the complaint investigation process.
2. The Internal Affairs Unit shall identify employees who have received three or more complaints within a period of one year. These may be complaints from

members of the public or complaints reported internally by other members of the Sheriff's Office. The fact that an employee is counseled regarding multiple complaints does not imply that these complaints have been or will be sustained.

3. Once an employee has been identified by the Internal Affairs Unit as meeting the criteria for the early warning system, the unit shall forward copies of the complaints to the Undersheriff.
4. The Undersheriff will review the complaints and may refer the matter to the employee's division commander with directions to hold a counseling session.
5. The counseling to be provided to the employee is intended to be a positive tool to assist the employee to obtain a higher level of awareness. The counseling session should employ administrative techniques designed to reinforce good performance, to improve poor performance, and to correct behaviors that precipitate or contribute to complaints.
6. While counseling pursuant to the Early Warning System is not considered as discipline, the fact that a counseling session took place may be considered in determining the appropriate level of discipline in the event that similar misconduct or neglect of duty takes place in the future.



**LAURIE SMITH**  
**SHERIFF**



## **ACCESS TO PERSONNEL FILES GENERAL ORDER #15.00**

Adopted: 07/07/2010  
Replaces: G.O. #15.00 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

An employee's (or former employee's) personnel file may only be accessed by authorized persons.

### **PROCEDURE**

- A. All employees and former employees and their duly authorized representatives have the right to reasonable access to the employee's personnel files. They may obtain copies of material from their file, subject to the normal per-copy charge as mandated by law or by the county executive's office. Employees and former employees do not have the right to remove any material from their personnel files, or remove the files from the Sheriff's Office.
- B. Employees may obtain, at no cost, copies of training certificates and/or documents as needed for county personnel procedures, or for submission to the Commission on Peace Officers Standards and Training (POST) in order to qualify for a POST certificate.
- C. Access to an employee's (or former employee's) personnel file is restricted to the employee or former employee or his or her duly authorized representative, to personnel assigned to the Support Services Division, to representatives of the County Counsel's Office and County Personnel, and to persons assigned in one of the following administrative staff capacities:
  - 1. Sheriff
  - 2. Undersheriff
  - 3. Assistant Sheriff

4. Division Captain
  5. Supervisors (of the employees under their supervision)
  6. Administrative Assistant to the Sheriff
  7. Internal Affairs
- D.** Access by supervisors shall be limited to files of employees under their supervision. Supervisors may access files of employees not under their supervision only under unusual circumstances, and after obtaining permission from the Support Services Division, Undersheriff, Assistant Sheriff, or the Sheriff.
- E.** A copy of any material added to a former employee's file after his or her termination date (except correspondence received by the Sheriff's Office which includes a notation indicating that the copies were furnished to both the former employee and the Sheriff's Office) will be sent to the last available address known by this Office for that employee. All material to be added to a former employee's personnel file will be reviewed and initialed by the Support Services Division captain before it is placed in file.
- F.** Employees/former employees have the right to respond in writing to any material that has been placed in their personnel file if they disagree with the content of the material. Employees/former employees will have thirty days from the date notice was provided within which to file a written response which will be attached to the document in question and placed in their personnel file.
1. Before an adverse comment can be placed in an employee's personnel file, the employee must be made aware of the comment by:
    - a. Having read the document containing the adverse comment/statement.
    - b. Signing the document containing the adverse comment/statement.
  2. If the employee refuses to sign the document containing the adverse comment, a notation to that effect will be placed on the document by a staff officer with signature and date.
  3. The employee has the right to a review hearing, within thirty days, by the Support Services Division captain of the document containing the adverse comment/statement.
    - a. The Support Services Division shall, within five working days of the hearing, prepare a written summary of his or her conclusions, a copy of

which will be attached to the document contain the comment/statement and placed in the employee's file.

b. A copy of this summary shall also be issued to the subject employee.

G. Prospective employers or their investigators will not be allowed access to an employee's/former employee's file, without written authorization and a waiver from the employee/former employees.

1. Information that can be released (without permission) includes:

a. Dates of employment

b. Classification (rank or status)

c. Salary information

2. A signed statement directing the Support Services Division to release additional information from their personnel file must be obtained from the employee/former employee if further information is desired. A copy of this release, with date/time notation of release, and the name of the employee responsible for the released information will be placed in the personnel file involved.

3. A copy of the released information will be issued to the employee/former employee in question.



**LAURIE SMITH**  
**SHERIFF**



## **SMOKING POLICY GENERAL ORDER #15.01**

Adopted: 07/07/2010  
Replaces: G.O. #15.01 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

Smoking is discouraged and is only authorized in areas designated by ordinance and this Order.

### **PROCEDURE**

#### **A. DEFINITIONS**

1. "Smoking," for the purposes of this Order, means and includes the combustion of any lighted pipe, or lighted cigar or lighted cigarette of any kind or the lighting of a pipe, cigar or a cigarette of any kind, or any similar article or any other combustible substance in any manner or in any form.
2. "Enclosed" means closed in by a roof and four walls with appropriate openings for ingress and egress.

**B.** This smoking policy is established and enforceable in accordance with section B13-79 et. seq., of the Ordinance Code of Santa Clara County.

**C.** Members of the Sheriff's Office shall not smoke or use any form of tobacco, including smokeless, on duty while conducting interviews or under any circumstances where smoking may be detrimental to good conduct, appearance, or procedure. Members assigned to desk duty shall not use tobacco while conversing or transacting business in person with the public.

**D.** Smoking is prohibited within any enclosed structure owned or leased by Santa Clara County, wherever located, and in all enclosed public places within Santa Clara County, except:

1. Private residences, except when used as a child care facility, health care facility, or community care facility.
2. Hotel rooms rented to guests, except meeting and banquet facilities.
3. Retail stores that deal exclusively (other than insignificant sales) in the sale of tobacco and smoking paraphernalia.
4. An enclosed place of employment that is not accessible to the public, which employs only the owner and no other employee (unless it shares a ventilation system with another enclosed place or public place).
5. Any portion of a place of employment that is not enclosed.

These exceptions do not apply if the owner or person in control of the property establishes more stringent prohibitions against smoking.

**E. Specific rules for Sheriff's Office personnel.**

1. A private residence is not a "public place". A deputy may not smoke inside a private residence without first obtaining permission from all persons present who may be offended by smoke.
2. In any dispute arising under the smoking policy, the rights of the "non-smoker" shall be given precedence over those of the smoker.
3. In a fresh air or open-air environment, the employee who smokes should accommodate non smokers by creating a space of some distance to avoid a conflict.
4. Smoking is not permitted in County vehicles.



**LAURIE SMITH  
SHERIFF**



## **OUTSIDE EMPLOYMENT AND COLLEGE ATTENDANCE GENERAL ORDER #15.02**

Adopted: 07/07/2010  
Replaces: G.O. 15.02 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

All employees must receive prior approval from the Sheriff's Office for any outside employment or college attendance. Employment or college attendance that interferes with or in conflict with employment by the Sheriff's Office shall not be authorized. Some forms of outside employment are prohibited.

### **PROCEDURE**

#### **A. OUTSIDE EMPLOYMENT**

1. For purposes of this Order, "outside employment" means employment not under the supervision of the Sheriff's Office. It does not include employment offered through the Sheriff's Office on a pay basis.
2. An employee's outside employment will be periodically reviewed by his or her immediate supervisor to determine if it impairs his or her ability to perform assigned duties.
3. Outside employment shall not require a change of, or substitution in, the regularly scheduled shift of the employee.
4. A written request for outside employment not under the supervision of the Sheriff's Office must be submitted through the division captain in advance of employment for approval by the Sheriff. The request shall include the following:
  - a. Location of employment
  - b. Type of employment



- c. Days and hours of employment
  - d. Name and address of employer.
5. Employees shall notify their division captain and immediate supervisor annually in January of each year of continued outside employment and the hours they are currently working. In addition, employees shall notify their immediate supervisor any time they have been approved by the Sheriff for outside employment.
- a. The hours worked shall not be in excess of twenty hours per week.
  - b. Permission to maintain outside employment may be terminated at any time and at the sole discretion of the Sheriff's Office.

**B. CONFLICTS IN OUTSIDE EMPLOYMENT**

1. Deputies shall not engage in outside employment that is in conflict with the position of peace officer. Outside employment is in conflict if it brings discredit or disrepute upon the Sheriff's Office and/or:
- a. It involves the use for private gain or advantage of the deputy's local agency time, facilities, equipment and supplies, or the badge, uniform, prestige, or influence of the Sheriff's Office-for employment.
  - b. It involves receipt or acceptance by the deputy or employee of any money or other consideration from anyone other than the Sheriff's Office for the performance of an act which the deputy or employee, would be required or expected to render in the regular course or hours of Sheriff's Office employment or as a part of his or her duties as a deputy or employee.
  - c. It involves the performance of an act in other than in his or her capacity as a deputy or employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other deputy or employee or the Sheriff's Office.
  - d. It involves such time demands as would interfere with the performance of his or her duties as a deputy or employee.

**C. OTHER PROHIBITED OUTSIDE EMPLOYMENT**

- 1. Deputies of the Sheriff's Office shall not hold any other position granting peace officer authority pursuant to Penal Code sections 830.2 through 830.12.
- 2. Under Government Code sections 24004 and 24004.5, deputies shall not:

- a. Represent any person or practice law in a criminal matter or in any instance, where there may be a conflict of interest, or in any matter adverse to the Sheriff's Office.
  - b.. Have as a partner a lawyer whose practice may cause a conflict of interest.
  - c. Act as a collector or be employed by any collection agency in Santa Clara County.
  - d. Have as a partner a lawyer or collector or anyone who acts as a lawyer or collector for a collection agency.
- 3. Deputies of the Sheriff's Office shall not engage in any type of employment or business as a private detective or private security employee, agent, manager, operator, owner of stock, or serve in the capacity of an officer in a corporation, or enter into a partnership, either general or limited, or be named on any license for any such business. Further, members shall not have any financial interest in any private detective agency, either directly or indirectly, by way of community property or trust. Any such involvement by members of the Sheriff's Office will automatically be construed to be a conflict of interest.
- 4. Sworn employees shall not engage in employment or business, including the services of the office of notary public, which would result in a conflict of interest with the employee's regular duties or responsibilities with the Sheriff's Office.
- 5. Have as an employer, partner, or principal anyone who has been convicted of a felony.
- 6. In addition to what is stated above, the following occupations are determined to be in conflict with the position of peace officer and are specifically prohibited for outside employment by deputies of the Sheriff's Office:
  - a. Bartender.
  - b. Bouncer.
  - c. Sales clerk in a liquor store or gun dealership.
  - d. Process server.
  - e. Repossessor.
  - f. Debt collector.

- g. Card dealer, handicapper, change maker, caller, gaming machine repair person, keno runner, pit boss, table waitress, or employment in any gaming establishment where the employment is directly related to the primary purpose of the employer.
- h. Bodyguard.
- i. Funeral escort where traffic control or the wearing of a uniform which resembles that of a peace officer is required.
- j. Any position in a massage parlor or any establishment that employs masseuses not affiliated with a licensed physical therapist or fitness facility.
- k. Any position in an establishment whose primary purpose is the sale or promotion of pornography.

**D. COLLEGE ATTENDANCE.**

- 1. Employees shall not carry more than nine college-level units per semester/quarter, without approval.
- 2. Employees attending college courses shall submit notification to their division captain containing a schedule of his or her classes, showing:
  - a. Subjects
  - b. Hours
  - c. Units per subject
  - d. Location where classes are held.
- 3. Employees wishing to carry more than nine units a semester/quarter shall make a written request (Employee's Report form, original and one copy) to their division captain, stating the number of units and the subjects to be carried. Employees on initial probationary status may not carry more than nine units per semester/quarter.



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**LAURIE SMITH  
SHERIFF**



## **OFFICER IN CRISIS TEAM GENERAL ORDER #15.03**

Adopted: 07/07/2010  
Replaces: G.O. #15.03 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

The Officer In Crisis Team is available to provide immediate and confidential assistance to employees experiencing severe stress.

### **PROCEDURE**

- A. The Officer In Crisis Team is a team of specially-trained employees of the Sheriff's Office that is available to respond to the scene of a critical incident or other situation involving employees who may be experiencing severe stress. The team's purposes are to evaluate the needs of the affected employees, to provide personal support and assistance when requested, and to facilitate critical incident debriefings. The Officer In Crisis Team is selected by, and reports to, the Undersheriff.
- B. Critical incidents include, but are not limited to:
  - 1. An incident where a serious injury or fatality has occurred,
  - 2. An officer involved shooting,
  - 3. An employee seriously injured while performing his or her duties,
  - 4. An employee exposed to serious disease or hazardous material,
  - 5. A stressful incident, such as a natural disaster or a workplace or school grounds shooting,
  - 6. A severe on-duty reaction to prescription or over-the-counter drugs.

- C. Any on-duty employee who believes that he or she or another employee is in need of the services of the Officer In Crisis Team may request the services of the team by contacting the employee's division captain via the chain of command. The division captain will immediately notify the Officer In Crisis Team commander, using the contact telephone number maintained at the Operations Desk, Headquarters Patrol. The Officer In Crisis Team commander will notify two team members to respond to the location of the affected employee.
- D. Any on-duty employee who believes that he or she or another employee is in need of the services of the Officer In Crisis Team may contact any Officer In Crisis Team member directly for assistance.
- E. When the Officer In Crisis Team is called out to a location of a critical incident, the Officer In Crisis Team commander may contact Affiliated Psychologists and advise them that Sheriff's Office has been involved in a critical incident and may request that they respond to the location for briefing and deployment as needed.
- F. Members of the Officer In Crisis Team shall maintain confidentiality of any conversations held with employees; however, members of the team, directed by the OIC Commander, shall prepare a confidential report and this report will be forwarded to the Undersheriff. This report shall be considered confidential and the information contained in the report may only be disseminated on a need to know basis at the direction of the Undersheriff.
- G. Members of the Officers In Crisis Team do not conduct "incident debriefings" relating to the facts of the incidents themselves and do not conduct interviews of involved deputies to determine the facts of the incidents. Members of the Team may, however, become aware of issues involving misconduct or fitness for duty that will be addressed in the confidential report to the Undersheriff.
- H. Training of the Officer In Crisis Team shall take place no less than once per year as directed by the Undersheriff.



**LAURIE SMITH**  
**SHERIFF**



## **POLITICAL ACTIVITY GENERAL ORDER #15.04**

Adopted: 07/07/2010  
Replaces: G.O. #15.04 dated 1/10/02

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

Sheriff's Office personnel are expected to conduct themselves in a professional manner and not to act in a way that tends to discredit the County or County service. While the Sheriff's Office supports the rights of employees to support the candidates of their choice, employees must recognize the importance of conducting themselves according to the requirements of the policies and procedures of this agency, County rules, and state law.

### **PROCEDURE**

All Sheriff's Office personnel shall abide by state law and County rules governing political activity by public employees.

- A. Government Code section 3205 makes it a misdemeanor for a public employee to directly or indirectly solicit a political contribution from another public employee (or from a person on a public agency employment list) with knowledge that the person from whom the contribution is solicited is a public employee. This section does not apply "if the solicitation is part of a solicitation made to a significant segment of the public" which may include public employees. This section also does not apply to solicitation of funds to promote or oppose ballot measures affecting working conditions (per Government Code section 3209).
- B. Government Code section 3206 prohibits public employees from participating "in political activities of any kind while in uniform", including being photographed in uniform for a political ad or flyer.

- C. The Santa Clara County Code of Ethical Conduct (Santa Clara County Board of Supervisors Policy Manual Section 3.32) provides, "Professional and personal affairs must be conducted in a manner that demonstrates that one could not be improperly influenced in the performance of official duties or that one seeks personal gain through their position, regardless of the level of responsibility of the individual employee."

A handwritten signature in cursive script, appearing to read "Laurie Smith".

**LAURIE SMITH  
SHERIFF**



## **EMPLOYEE-INVOLVED DOMESTIC VIOLENCE AND SEXUAL ASSAULT GENERAL ORDER #15.05**

Adopted: 07/07/2010  
Replaces: G.O. #15.05 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

There are occasions, due to family violence situations, when employees will need time off for the purpose of dealing with threats of emotional and physical abuse and also to seek safety and protection.

### **PROCEDURE**

The following guidelines are offered to supervisors and managers to assist employees in managing family violence situations or employees who are victims of sexual assault. The length of time employees are required to be absent from work should be decided by the individual's situation. This time period shall be determined through collaboration with the involved employee, supervisor, manager and the Support Services Division. All situations of this shall be treated confidentially.

#### **A. TYPE OF ABSENCES - CATEGORIES**

Options available to employees are: family emergencies and personal time off with pay, or authorized leave of absence without pay.

1. A specific leave may be granted when the supervisor and division captain agree to bring the member back to the same position and the supervisor can make arrangements for temporary coverage of the employees position. Division Manager approval is required.
2. Employees should be able to establish a definite date to return.



3. If an employee cannot establish a definite date of return to work and requires more time off than they have accrued, a specific leave of absence without pay may be considered.
- B. Employees, supervisors and managers are encouraged to explore paid leave options which will support employees coping with various family demands without having to take formal leave without pay. Examples of options to avoid the use of unpaid leave are:
1. Arrange flexible work hours so the employee can arrange court appearances, legal housing and child care services.
  2. Determine whether the job can be done full or part-time
  3. Keep in mind that Authorized Time and Family Emergency are paid time off options to be considered, especially if requests are for relatively short periods of time.
  4. Fiscal shall expedite any and all changes to payroll, benefits, etc.
- C. If an employee is out of accumulated time off, a "leave without pay" option would be considered.



**LAURIE SMITH  
SHERIFF**



## **SHERIFF'S OFFICE LOCKER ROOM POLICY GENERAL ORDER #15.06**

Adopted: 07/07/2010

Updated: 02/22/2010

Replaces: G.O. #15.06 dated 09/30/02

Reviewed: 02/22/2010

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### **POLICY**

The Sheriff's Office locker room, located on the second floor of the "Younger Avenue" building at 55 West Younger Avenue shall be treated for all purposes as a unisex locker room facility. The facility includes the locker room area, the dressing room/rest room area, and the exercise room area. The facility is designed for the use of all Sheriff's Office employees assigned to the facility, and accommodates the limited needs of those Sheriff's Office employees using the facility on a day-to-day basis. Employees using this facility shall store their clothing and equipment in their assigned locker, either permanent or temporary, and shall utilize the appropriate dressing room (male/female) associated with the shower and restroom facilities to change their clothing. It will be the responsibility of each employee to ensure that they use the locker room facility in a professional manner, and shall not subject fellow employees to offensive language or behavior.

### **PROCEDURE**

- A. Employees shall utilize the dressing rooms to change clothing, and shall not dress, undress, or appear in an undressed state in either the exercise room area or the locker room area of the facility. The dressing rooms are located within the areas labeled "Men's Dressing Room" and "Woman's Dressing Room." Use of these rooms will be based upon gender, and no person authorized to use the facility will use the dressing room assigned to the opposite gender.
- B. The lockers contained within this facility are for the exclusive use of Sheriff's Office employees assigned to the "Younger Avenue" facility, and to accommodate the temporary day-by-day needs of Sheriff's Office employees using the "Younger Avenue" facility. The lockers shall be assigned by the building coordinator according to the needs of the Sheriff's Office and the needs of the employees. The lockers shall only be secured with a Sheriff's-Office-issued lock. Unauthorized personal locks securing lockers shall be removed when detected by the building coordinator. Any items stored within the

locker at the time the lock is removed shall be bagged and stored in a secure location by the building coordinator.

- C. The lockers are provided for the storage of clothing, equipment and personal items while the employee is at work or away from work on their scheduled days off. Employees reassigned to another facility/workplace or leaving for an extended period of time shall remove the stored items/equipment and surrender their assigned locker. Lockers shall be closed and secured with a Sheriff's-Office-issued lock at all times when the employee is not present. No food or beverages may be stored in the lockers or anywhere within the locker room facility at any time.
- D. Employees utilizing the locker room facility shall store all of their clothing, equipment and personal property within their assigned locker. No clothing or equipment shall be stored anywhere else within the locker room facility. Any equipment, clothing or personal item found abandoned within the locker room facility shall be bagged and stored in a secure location by the building coordinator.
- E. Employees shall not post any unauthorized photographs, drawings, bulletins, signs or artwork of any kind on either the inside or outside portion of any locker within the facility.
- F. This policy is applicable to the West Valley Station and the South County Substation, to the extent the procedures listed herein can be commonly implemented.



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**LAURIE SMITH**  
**SHERIFF**



## **OVERTIME GENERAL ORDER # 15.08**

Adopted: 07/07/2010  
Replaces: G. O. #15.08 dated 4/15/08

Updated: 02/02/2010  
Reviewed: 02/22/2010

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### **POLICY**

It is the policy of the Sheriff's Office to utilize voluntary and mandatory overtime as needed to maintain a minimum level of staffing as established by each division/unit and to respond to departmental emergencies.

### **PURPOSE**

To establish an equitable and uniform guideline for the selection and assignment of overtime within each division/unit and to ensure staffing levels are adequate to meet safety, security, and other service requirements.

### **DEFINITIONS**

FLSA: Fair Labor Standards Act

Overtime: Overtime work is time worked beyond 80 hours in any 14 consecutive day work-period, or beyond 8, 10, or 12 hours in any workday, depending on the number of hours in the duty-shift to which the employee is assigned. For badge employees working the 12 plan, all hours worked from 80 to 85.75 hours per pay period will be considered as paid at the base time rate and any excess time will be at the overtime rate. Overtime work does include pay-jobs.

### **PROCEDURE**

#### **I. Overtime Work**

- A. Each bargaining unit defines overtime work, guidelines for voluntary overtime sign-ups and overtime exemptions specific to its member classifications.

1. Overtime work assignments will be distributed among employees in the same classification and work unit as equally as practicable.
  2. Voluntary overtime sign-ups for employees will be conducted based on the requirements specific to each division or unit.
- B. Employees assigned to work eight hour and/or ten hour shifts may not work more than 40 hours of overtime in a pay period. Employees assigned to work twelve hour shifts may not work more than 60 hours of overtime in a pay period. This rule is not applicable in a departmental emergency or as authorized by the division commander or his/her designee.
- C. For all employees, time for which pay is received, but not worked, such as vacations, sick leave, admin leave, etc., will be counted towards the base period.
1. Employees off on a scheduled vacation day, sick day, or other paid time off, may not work overtime during any portion of the 24 hours of that paid time off.
  2. Employees who are called back or ordered back to work on a scheduled vacation day or other paid time off day, will have the appropriate hours charged to their vacation bank and paid at the time and a half rate for hours worked.
  3. Employees may work overtime on their regular days off during their vacation weeks, provided the overtime worked is not more than one half of the vacation time taken.
- D. Employees serving a suspension are prohibited from working overtime during the pay period(s) in which the suspension is served.
- E. Employees placed on administrative leave are prohibited from working overtime during the pay period(s) in which they are on administrative leave.
- F. Unacceptable excuses or repeated failure to fulfill an exchange-of-day obligation may result in the employee being restricted from working future overtime or on an exchange-of-day basis.
- G. Excessive sick leave usage as defined in the General Orders may result in the employee being restricted from working overtime.

## II. Paid Travel Time

- A. Travel time from home to work is not considered time worked, unless an employee is called back on a day the employee is not scheduled for duty (non-scheduled overtime) or if an employee is called back for a Department-wide emergency declared by the appointing authority.
- B. For call-back purposes, travel time will be considered time worked up to a maximum of one hour.
- C. Travel time from one work location to another work location is considered as time worked.

### III. Overtime Sign-Ups

- A. Each division is responsible for conducting their own overtime sign-ups and maintaining a log of such overtime and projected overtime needs.
- B. Voluntary overtime will be exhausted before mandatory overtime is implemented.
- C. Officers are not allowed to sign up other officers for overtime positions. Every officer must sign up for his/her own overtime position.

### IV. Sergeant Overtime Sign-Ups

- A. Sergeants will only be allowed to work overtime in their own rank; they may not work in subordinate positions for overtime purposes.
- B. Sheriff's Sergeants can backfill vacant Department of Correction Sergeants positions and visa versa in order to meet the minimum staffing within the DOC environment; however, at least one Sheriff's Office Sergeant must be on duty at all times at both the Main Jail Complex and the Elmwood Complex.

### V. Limited Duty and 4850 Personnel

- A. Employees with permanent work restrictions will only be allowed to work overtime assignments that meet their work restrictions as imposed by their doctor. If no limited duty overtime assignments are available, no overtime will be offered to those employees.
- B. Employees with temporary work restrictions will not be allowed to work overtime until medically cleared for full duty or their work restrictions become permanent.
- C. Any employee who calls in sick with a work-related injury, requesting Labor Code 4850 time, will not be permitted to work overtime between that sick day and the beginning of the next pay period. They must also produce a doctor's clearance before working any overtime.

VI. Deputies in Training Status

- A. Deputies in a training status may not work overtime until their completion of training.
- B. In emergency situations or in exigent circumstances, the Division Commander, or designee, may authorize trainees to work overtime.
  - 1. Deputies in training will only be allowed to work overtime in their assigned division absent exigent circumstances.
  - 2. Deputies in training will only be allowed to work in the areas in which they have completed training absent exigent circumstances.
  - 3. Deputies in training may be utilized in any position as ordered by the Division Commander under a departmental emergency.

VII. Failing to Report for Overtime

- A. Employees who fail to report for confirmed overtime may be subject to disciplinary action.
  - 1. If an employee feels she/he cannot work a volunteer overtime shift, she/he must speak directly to the on-duty sergeant and inform them of the reason for the inability to work the scheduled overtime.
  - 2. The on-duty sergeant will consider the request and if justified, the employee will be excused.
  - 3. If an employee refuses or fails to report for a confirmed position and has not been excused, the shift sergeant will submit an "Employee's Report" to the division commander documenting the incident.
  - 4. Employees may not remove their own name from the overtime signup list.

VIII. Mandatory Overtime Assignments

- A. Mandatory overtime may be initiated to supplement voluntary overtime lists at the **divisional level** or to supplement departmental needs during a **Departmental emergency**.
- B. Mandatory overtime will be assigned based on inverse seniority. Other factors that will be taken into consideration include:

1. Scheduled vacation days/weeks.
2. Training status.
3. Limited duty restrictions.

C. **Divisional level** mandatory overtime may be initiated when a division's voluntary overtime sign-up lists have been exhausted and the division's staffing projections do not meet the minimum staffing requirements.

1. Absent exigent circumstances, the following personnel will be exempt from **divisional level** mandatory overtime:
  - a. Personnel on pre-scheduled leave.
  - b. Personnel on pre-scheduled Department approved training.
  - c. Personnel on approved medical leave.
2. Personnel who have worked voluntary overtime assignments within the pay period **will not** be considered exempt to mandatory overtime unless the employee would be in violation of the policy's overtime restrictions if they work the mandatory overtime shift.
3. In the event the shift is able to be filled with a volunteer overtime employee, the shift sergeant is responsible for contacting the mandatory overtime employee and canceling the mandatory assignment.
4. Exchange of mandatory assignment shifts will require an Employee's Report and approval by the Division Commander at least 24 hours prior to the assigned shift.
  - a. The employee agreeing to work the shift will be held accountable for the assigned shift.
  - b. The employee originally assigned to work a mandatory overtime shift will not receive credit for the assigned shift and will resume eligibility for subsequent overtime assignments.
5. Any illness preventing an employee from working mandatory overtime must be documented in a memorandum with a doctor's excuse attached, and forwarded to the division commander through the chain of command. The employee will immediately become eligible for subsequent mandatory overtime shifts.
6. It shall be within the discretion of the Bureau Assistant Sheriff to implement **Divisional level** mandatory overtime in order to alleviate an inordinate impact on one division.



D. **Departmental emergency** mandatory overtime may be initiated by the Sheriff or his/her designee as needed for department-wide emergencies. In these circumstances, mandatory overtime may include the suspension of overtime restrictions.

1. **Departmental emergency** mandatory overtime shall be conducted based on inverse departmental seniority. All department staff including personnel working special assignments shall be included absent exigent circumstances requiring immediate action.
2. Each Division Captain may institute emergency guidelines for mandatory overtime within his/her division.
3. An unforeseeable **Departmental emergency** may result in mandatory overtime based on needs of the department without regard to seniority.

IX. Overtime Restrictions

- A. An employee may work a maximum of eighteen hours at the beginning and/or end of his/her regularly scheduled work-week. All other shifts shall be a maximum of sixteen hours.
- B. The eighteen-hour work rule applies to all hours worked, including those in other divisions and/or assignments.
- C. Employees must have at least eight hours off between shifts, with the exception of holdovers.
- D. No employees assigned to a twelve, ten or eight hour shift may work more than six days per week and must have a consecutive twenty-four hours off in any seven day period.
- E. Absent exigent circumstances, all employees must comply with the work rule directing mandatory periods of rest between shifts.

X. Policy Violation

- A. Violations of this policy may constitute grounds for disciplinary action and/or removal from overtime privileges for a period up to thirty days.
- B. Repeated violations may result in further disciplinary action and/or removal from overtime privileges for more than thirty days.



**SOCIAL NETWORKING, PERSONAL COMMUNICATION DEVICES  
AND CAMERAS**

**GENERAL ORDER #15.09**

Adopted: 10/02/2012  
Replaces: NEW

Updated: 10/02/2012  
Reviewed: 10/02/2012

**PURPOSE**

To establish guidelines and standards for social networking/social media in all of its related forms and to establish guidelines for use of Personal Communication Devices (PCD) by sworn and non-sworn members of the Santa Clara County Sheriff's Office. To maintain the public's highest level of trust, reasonable restrictions must be placed on our professional and private conduct in regards to technology and members must hold to these standards of conduct whether on or off duty. Because the County recognizes that social networking plays a burgeoning and often vital role in offices' lives, this policy also is intended as a guide for employees when engaging in social media as it relates to their employment or representation of employment as a member of the Santa Clara Sheriff's Office.

**POLICY**

Members of the Santa Clara County Sheriff's Office shall be subject to standards of conduct as outlined in this policy when they interact on and/or use social networking/social media technology, PCDs, and cameras depicting or referencing your official capacity. The policy is intended to provide a reasonable standard of conduct to ensure the professionalism of its members and the integrity of the Sheriff's Office.

**DEFINITION**

*SOCIAL NETWORKING:* A social network service focuses on building online communities of people who share interests and/or activities, or who are interested in exploring the interests and activities of others. Most social network services are web based and provide a variety of ways for users to interact, such as e-mail and instant messaging services. Popular current examples of social networking sites include Facebook, MySpace, and Twitter. The absence of or lack of explicit reference to, a specific site does not limit the extent of the application of this policy.

*PERSONAL COMMUNICATION DEVICE:* PCDs include, but are not limited to all cellular phones, Smartphones, iPads, Android Tablets, Personal Digital Assistants (PDA), cameras, and other wireless two-way communication and/or portable internet access devices.

## **POLICY GUIDELINES**

### **A. SOCIAL MEDIA USAGE WHILE ON DUTY**

1. Sheriff's Office members are prohibited from posting, updating or sharing and/or using social networking sites while on duty unless it is for County-approved business purposes. No Sheriff's Office member while on duty shall post any information regarding their work activities or professional affiliation to any social networking site. This does not apply to any Sheriff's Office authorized or maintained sites for the purposes of official business. This paragraph does not seek to limit off-duty conduct.

### **B. SOCIAL MEDIA USAGE WHILE OFF-DUTY**

1. Sheriff's Office members may identify themselves as employees of the Sheriff's Office. However, once you identify yourself as a member of the Sheriff's Office, you take on added responsibility for maintaining an acceptable level of conduct while you are employed with the Department. Members shall carefully consider whether or not to identify themselves as a member of the Santa Clara County Sheriff's Office, employee of the County of Santa Clara or as a peace officer while using social networking sites. Appearing in uniform or identifying yourself as associated with the Sheriff's Office could trigger a review of the posting to determine if it violates our standard of conduct. When using any of the numerous social media sites, Sheriff's Office members should also bear in mind that any information posted may be made visible to the public at large, including potential citizen contacts, suspects, witnesses or victims of crimes.
2. No Sheriff's Office member shall knowingly post, or cause to be posted, or disseminate photographs, video images, audio files, or text documents that constitutes confidential or law enforcement sensitive information. Examples of such confidential or law enforcement sensitive information includes but is not limited to information not appropriate for public dissemination such as:
  - a. Photographs taken in the course of your employment with the Sheriff's Office including traffic collisions, crime scenes, contraband, persons in custody, witnesses, victims, vehicles, equipment or the interior of any Santa Clara County Sheriff's Office Facility.
  - b. Crime or Incident Reports including any form of official correspondence, official memorandum and/or policies to or from the Department or County,
  - c. Audio files, video files, training videos or transcription of any official, non-public statement or interview.
3. No Sheriff's Office member shall knowingly post, or cause to be posted, or disseminate photographs, video images, audio files, or text documents depicting the Sheriff's Office or County property, equipment, uniforms, or emblems, in any manner that places the Sheriff's Office in a negative or unfavorable light.
4. Nothing in this Order shall preclude the use of Social Networking sites to engage in union activity while off duty.

5. Nothing in this order shall preclude the use of Social Networking sites as an investigative tool. Accessing sites sponsored by the Sheriff's Office or the County of Santa Clara is permissible, providing it does not interfere with your official duties and responsibilities.

#### C. AGENCY ISSUED PCD

Depending on an assignment and needs of the position, the Sheriff's Office may, at its discretion, issue a PCD. Such devices shall remain the sole property of the Sheriff's Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice.

#### D. INDIVIDUALLY OWNED PCD(s)

Members of the Sheriff's Office may carry their own PCD while on duty subject to the following conditions:

1. The device shall be purchased, used and maintained at the Sheriff's Office member's expense.
2. The Sheriff's Office shall not be held liable for damage, theft or loss of a personally owned PCD.

#### E. USE OF PERSONAL COMMUNICATION DEVICES

Sheriff's Office members may use a PCD to communicate with other personnel in those situations where the use of the radio is either impractical or not feasible, PCDs however, should not be used to replace regular radio communications.

PCDs, whether provided by the Sheriff's Office or personally owned, should only be used by on-duty members of the Sheriff's Office for legitimate agency business, and as described below:

1. PCDs shall not be carried in a manner that allows it to be generally visible while in uniform, except if being carried in a pouch on the deputy's duty belt.
2. Sheriff's Office members shall refrain from using PCDs while interacting with the public in the course of duty.

Sheriff's Office members shall limit the use of agency PCD's for personal use to appropriate and minimal necessary communications, which does not impact work performance. Sheriff's Office members will be responsible for reimbursing the agency for any charges incurred as a result of personal use of a Sheriff's Office PCD.

Personally owned PCDs may be used for personal reasons, however, usage should be limited as much as practical to areas where the communication will not be seen or heard by members of the public.

1. The on duty taking and/or retention of photographs for personal reasons are prohibited. All photographs and video taken with a personal camera or PCD while on duty shall be subject to review by a supervisor. Business photographs and video shall be transferred and/or stored to an agency owned device and deleted from the employee's personally owned device per policy.

2. No Sheriff's Office member shall show, send or wirelessly transmit video or photographs taken in the course of one's duty to anyone except as directed by a supervisor.
3. The intent of this policy is not to restrict or require authorization to take photographs or video during ceremonies such as service awards, promotions, retirements or community events such as BBQs, fairs and outreach programs.

F. USE WHILE DRIVING

The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public.

Except in the case of an emergency, Sheriff's Office members who are operating agency/County vehicles shall not use cellular phones or other personal communication devices while driving unless the PCD is specifically designed and configured to allow hands free listening and talking (Vehicle Code 23123 (a)). Such use should be restricted to emergency related calls. If an employee uses a hands free device, the device may not be worn in the ear if one ear is already obstructed (e.g. earpiece for portable radio). Text messaging on a PCD while driving an agency/County vehicle is prohibited at all times.

A handwritten signature in cursive script, reading "Laurie Smith", written over a horizontal line.

LAURIE SMITH  
SHERIFF



## **CRIMINAL HISTORY INFORMATION GENERAL ORDER #16.00**

Adopted: 07/07/2010  
Replaces: G.O. #16.00 dated 4/15/08

Updated: 02/02/2010  
Reviewed: 02/02/2010

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### **POLICY**

Employees of the Sheriff's Office shall obtain and use criminal history for official business of the Sheriff's Office. Any employee who violates this policy will be subject to disciplinary action and may be subject to criminal prosecution.

### **PROCEDURE**

#### **A. USE OF CLETS**

1. The California Department of Justice is responsible for the California Law Enforcement Telecommunications System (CLETS). This computerized system provides criminal history information and communications with state, federal and international law enforcement agencies.
2. Information accessed through CLETS is strictly confidential and is to be used for law enforcement purposes only.
3. The use of the CLETS system is governed by the provisions of the CLETS User's Agreement. The Data Management Director is the agency terminal coordinator (ATC) as defined in the CLETS agreement. The ATC officer shall ensure that all CLETS access equipment is installed and maintained as required by the agreement.
4. The use of the CLETS system also is governed by applicable provisions of criminal law, including Penal Code sections 182.1, 502, 11140-11143, and 13300 - 13304, and Vehicle Code section 1808.45. The use of CLETS for other than

authorized law enforcement purposes can be prosecuted criminally if the conduct violates the provisions of the criminal law.

5. All employees of the Sheriff's Office shall use the CLETS system in compliance with applicable law and agreements. Employees of the Sheriff's Office shall obtain and use information from the CLETS system for official business of the Sheriff's Office.

**B. CORI – CRIMINAL OFFENDER RECORD INFORMATION**

1. Criminal offender record information (CORI), also known as criminal history information, is not public information, and is subject to the provisions of sections 11075-11081 and 13300 - 13304 of the California Penal Code. This information includes arrest summaries, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release.
2. Criminal offender record information is maintained in the Sheriff's Office in various forms. It includes information maintained in the CLETS system as well as information contained in Santa Clara County Criminal Justice Information Control(CJIC) system and hard copy files.

**C. SECURITY OF CRIMINAL HISTORY INFORMATION**

1. Access to criminal offender record information is restricted by law to those who have both the right to know and the need to know. Employees with access to criminal offender record information shall comply with all applicable law and agreements regarding confidentiality of the information obtained. Employees of the Sheriff's Office shall obtain and use criminal offender record information for official business of the Sheriff's Office. Employees of the Sheriff's Office shall document the use and disclosure of all criminal history information as provided in the applicable law and agreements regarding confidentiality of the information obtained.
2. Only personnel specifically designated by the Sheriff are authorized to release or photocopy criminal offender record information. No other personnel shall release criminal offender record information except as specifically authorized in a direct or written order and then only to persons who are authorized to receive such information.
3. The District Attorney's Office will be provided with criminal offender record information at the time that criminal charges are requested based on a criminal investigation conducted by the Sheriff's Office.

4. Sheriff's Office employees authorized to release or photocopy criminal offender record information shall determine whether the person receiving the information has a right to know and a need to know, except when the release of information is pursuant to a court order or other legal process. The fact that the person making the request is a peace officer does not relieve the employee of his or her responsibility to maintain the confidentiality of the information.
5. No employee shall destroy criminal offender record information except in compliance with the procedures specified in the CLETS User's Agreement and the applicable provisions of law.

A handwritten signature in cursive script, appearing to read "Laurie Smith".

**LAURIE SMITH  
SHERIFF**





## **RELEASE OF INFORMATION GENERAL ORDER #16.01**

Adopted: 07/07/2010  
Replaces: G.O. 16.01 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

The Sheriff's Office will comply with the provisions of the California Public Records Act and other provisions of state and federal law pertaining to the release of information.

### **PROCEDURE**

#### **A. CALIFORNIA PUBLIC RECORDS ACT**

1. The California Public Records Act (CPRA 6250 – 6270 GC) provides members of the public with a right to inspect public records, except as provided by law. Records which are legally subject to inspection must be provided during normal office hours upon reasonable notice. Records which are legally subject to copying must be provided within 10 calendar days, unless the records are located off-site or are voluminous, in which case the time for response can be extended by written request setting out the reasons for the delay and the date the records will be ready.
2. Public records include any writing containing information relating to the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.
3. Section 6254 of the Government Code provides that certain records are exempt from public disclosure under the California Public Records Act. These include the following:
  - a) Preliminary drafts, notes, or interagency or intra-agency memoranda. . . provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;

- b) Records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Division 3.6. . . of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled;
- c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;
- d) Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice and the Sheriff's Office, and any state or local police agency, or any such investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. However, state and local police agencies shall disclose the names and addresses of persons involved in or witnesses (witnesses name and address shall not be given to a suspect or defendant per PC 841.5) other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, statements of all witnesses, other than confidential informants, to the persons involved in an accident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage as the result of the incident caused by arson, burglary, fire, explosion, robbery, vandalism or a crime of violence as defined by subdivision (c) of Section 13960 of the Government Code unless the disclosure would endanger the safety of a witness or other person involved in the investigation, disclosure would endanger the successful completion of the investigation or a related investigation. However, nothing in this division shall require the disclosure of that portion of those investigative files that reflect the analysis or conclusions of the investigating officer.

Customer lists provided to a state or local police agency by an alarm or Security Company at the request of the agency shall be construed to be records subject to this subdivision.

Notwithstanding any other provision of this subdivision, state and local law enforcement agencies shall make public the following information, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation.

- (1) The full name and occupation of every individual arrested by the agency, the individual's physical description including date of

birth, color of eyes and hair, sex, height and weight, the time and date of arrest, the time and date of booking, the location of the arrest, the factual circumstances surrounding the arrest, the amount of bail set, the time and manner of release or the location where the individual is currently being held, and all charges the individual is being held upon, including any outstanding warrants from other jurisdictions and parole or probation holds.

- (2) Subject to the restrictions imposed by section 841.5 of the Penal Code, the time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the name and age of the victim, the factual circumstances surrounding the crime or incident, and a general description of any injuries, property, or weapons involved. The name of a victim of any crime defined by section 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor. When a person is the victim of more than one crime, information disclosing that the person is a victim of a crime defined by section 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code may be deleted at the request of the victim, or the victim's parent or guardian if the victim is a minor, in making the report of the crime, or of any crime or incident accompanying the crime, available to the public in compliance with the requirements of this paragraph.
- (3) Subject to the restrictions of Section 841.5 of the Penal Code and this subdivision, the current address of every individual arrested by the agency and the current address of the victim of a crime, where the requester declares under penalty of perjury that the request is made for a scholarly, journalistic, political, or governmental purpose, or that the request is made for investigation purposes by a licensed private investigator as described in chapter 11.3 (commencing with Section 7512) of division 3 of the Business and Professions code. However, the address of the victim of any crime defined by section 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code shall remain confidential. Address information obtained pursuant to this paragraph may not be used directly or

indirectly, or furnished to another, to sell a product or service to any individual or group of individuals, and the requester shall execute a declaration to that effect under penalty of perjury, nothing in this paragraph shall be construed to prohibit or limit a scholarly, journalistic, political, or government use of address information obtained pursuant to this paragraph.

- e) Records the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege;

**B. CALIFORNIA PUBLIC RECORDS ACT REQUESTS**

1. CPRA (California Public Records Act) requests come for many different types of information and from a variety of sources. This information could include, but not limited to, requests for crime reports (see section C), crime statistics, arrestee names and warrant information.
2. When necessary the Records Division will have the requestor complete a copy of the "Public Records Act Request" form. The requestor should be as specific as possible when filling in the requested information. They should indicate how they would like to receive the information; IE, FAX, phone, copy. Although name and phone number are not required, it would be helpful to have if there are any questions regarding requested information.
3. CPRA copies or viewing of arrest lists of the previous day should be completed by Records personnel under Records Procedure 5.05.
4. Records personnel unable to handle an individual's request shall immediately refer the request to the shift supervisor or Records Manager. All requests for policies, procedures, statistics, or requests that will have to be researched will be incorporated on the request form and given to the shift supervisor for review of content and determination of distribution for response.
5. All requested information or responses will be made available within 10 days to the requesting party unless an agreement for extension of response has been made.
6. Any request for public information from a reporter (self identified), or other representative, of any newspaper, magazine, television, radio station, or other such organization will be referred to the Public Information Officer. The Public Information Officer will coordinate with other divisions in the Sheriffs Office to ensure that all appropriate information is made available to any such organization,

while safeguarding the ongoing investigative processes. In any situation such as a) homicide, b) other violent personal crime, c) involving Sheriff's Office personnel or other prominent persons, or d) other situation where considerable sensation or notoriety may result, the concurrence of the Investigative Services Division Captain must be obtained to prevent any disclosure that could affect the investigation or subsequent prosecution of the case.

**C. RELEASE OF REPORTS**

1. An incident report/photo request form or authorized agency report request form shall be completed by the Records Section when a member of the public or authorized agency requests a copy of a report.
2. Incident reports may be released to any person (or their representative) suffering bodily or property damage or loss as a result of the incident caused by arson, burglary, fire, explosion, larceny robbery, carjacking, vehicle theft or any crime or public offense that would constitute a misdemeanor or felony. The employee receiving the request shall obtain identification of the requestor and will check it. If the request is approved, the report will be mailed to the requestor upon payment of the required fee. The victim of a crime will not be charged a fee for the first copy of a report requested personally.
3. Report request for the following report types will be forwarded to the investigations division for a decision:
  - a. Reports with no suspects
  - b. Homicides/fatalities
  - c. Sex crimes
  - d. Domestic violence
  - e. Child abuse and molestation
  - f. 5150 WI reports
  - g. Report requests for open cases
4. Report requests may be denied when:

- a. The disclosure would endanger the safety of a witness or other person involved in the investigation, or
- b. The disclosure would endanger the successful completion of the investigation, or
- c. The disclosure would endanger the successful completion of a related investigation.

5. Additional reports exempt from disclosure:

- a. Arrest reports involving juveniles unless the petition for release was approved by the Juvenile Superior Court (re: WI 827 and TNG order issued by the local Juvenile Court). Release of information regarding juvenile offenders is governed by special rules of confidentiality. Some of Juvenile reports may be released to (for a complete list of authorized releases for juveniles refer to PC :
  - 1. The minor or his or her attorney
  - 2. The District Attorney's Office
  - 3. The law enforcement agency in the jurisdiction where the minor lives
  - 4. Other law enforcement agencies that require it for crime investigation or reporting purposes
  - 5. The Probation Department--Adult or Juvenile Division
  - 6. The Department of Family and Children's Services
  - 7. The parents or legal guardian of the minor unless there is reference to another minor in the report (In that case, the request must be approved by the Juvenile Court.)
  - 8. The school attended by the minor
  - 9. Victims of juvenile crimes may receive the names and addresses of minors without any reference to the minor's status.
  - 10. Hospitals, schools, camps, Job Corps, or placement agencies which require the information, and are legally permitted to obtain the information, for the placement, treatment, or rehabilitation of the minor.
  - 11. Court personnel
  - 12. Persons entitled to the information under Vehicle Code sections 20008- 20012 (Department of Motor Vehicles, California Highway Patrol, driver involved, persons injured in accident, witnesses to accident, parent of minor driver, authorized representative of injured person or driver).

➤ CHILD ABUSE REPORTS (PC 11167.5)

➤ ELDER ABUSE REPORTS (WI 15633)

6. Reports released to authorized agencies do not require approval of the Investigative Services Division, unless:
  - a. The disclosure would endanger the safety of a witness or other person involved in the investigation; or
  - b. The disclosure would endanger the successful completion of the investigation; or
  - c. The disclosure would endanger the successful completion of a related investigation.

**E. EDITING COPIES OF REPORTS**

1. To protect confidential information and exempt information. . The editing criteria would include but not be limited to:
  - A. The right to privacy contained in the California Constitution.
  - b. Section 6254 of the Government Code.
  - C. Other information that may be classified as “Official Information.” “Official Information” means information acquired in confidence by a public employee in the course of his duty and not open, or officially disclosed, to the public prior to the time the claim of privilege is made. (Evidence Code section 104). This is information where disclosure is against the public interest.
  - d. The name and personal information of the victim of the following crimes:
    - I. PENAL CODE SECTIONS 220, 261, 261.5, 262, 264, 264.1, 273A, 273D, 273.5, 286, 288, 288A, 289, 422.6, 422.7, 422.75, AND 646.9.
  - e. Personal information of the victim (name, address, phone number, etc.) is prohibited from release to the arrestee, suspect or any person who may be a defendant in the alleged offense (PC 841.5).
  - f. The DL, SSN, Phone number and address of all parties in the report.

- g. Confidential informants.
  - h. Personnel, medical, or similar information, the disclosure of which constitutes an unwarranted invasion of personal privacy.
  - i. Other agency reports that may be included as file attachments.
  - j. Nothing requires the agency to disclose that portion of those investigative files that reflect the analysis or conclusions of the Investigative Officer.
2. The report will be edited by removing or indelibly marking words or passages.

**F. APPLICABILITY OF OTHER REGULATIONS.**

It is the policy of the Sheriffs Office to comply with the requirements of the CPRA while protecting the confidentiality and integrity of records that are exempt from disclosure. Because of the technical legal issues involving requests for disclosure of records and implications for the Sheriffs Office if records are either not released or released when they are exempt, the Sheriffs Office will work closely with its legal counsel and Public Information Officer to review and respond to public records requests. –Some Sheriff's Office material may contain Criminal Offender Record Information (CORI). Unauthorized disclosure of this information may subject the person releasing these records to criminal penalties as well as to disciplinary action.



**LAURIE SMITH  
SHERIFF**





## **RELEASE OF SEXUAL OFFENDER INFORMATION ("MEGAN'S LAW") GENERAL ORDER #16.02**

Adopted: 07/07/2010  
Replaces: G.O. #16.02 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

California's Megan's Law was enacted in 1996, and allows local law enforcement agencies to notify the public about sex offender registrants found to be posing a risk to the public. In 2004 Megan's Law was revised allowing the public to view information about sex offenders required to register with local law enforcement under California's Megan's Law via a public web site (<http://www.meganslaw.ca.gov>). The law is not intended to punish the offender and specifically prohibits using the information to harass or commit any crime against an offender.

### **PROCEDURE**

#### **A. DEFINITIONS**

The California Department of Justice (DOJ) has categorized each registered sex offender as either "FULL ADDRESS", "ZIP CODE ONLY", "NO POST" or "EXCLUDED". Local law enforcement agencies, under statutes defining the type and extent of notice allowed, may also notify their communities about the presence of designated registered sex offenders in their area. This is usually done only when an offender is suspected of posing a risk to the public. Penal Code section 290.45.

#### **B. CATEGORIES OF REGISTERED SEX OFFENDERS**

1. Effective September 24, 2004, Penal Code section 290.46 required the California Department of Justice to create a Web site on or before July 1, 2005. There are four categories of registered sex offenders for purposes of disclosure on the Megan's Law Internet web site.

##### **a. Full Address**

A sex offender in this category will have his/her full residence address displayed. Generally, Full Address disclosure will occur if the offender has been convicted of any of the following:

- Lewd conduct with a child under the age of 14.
- A sex offense involving force or fear.
- A designated sex crime with a prior or subsequent conviction for a sex crime requiring registration.
- An offense resulting in a commitment as a Sexually Violent Predator as defined in Welfare and Institutions Code § 6600.

**b. Zip Code Only**

offender's personal      A sex offender in this category is required to register and has been convicted of an offense(s) subject to public disclosure. However, he/she does not meet the "Full Address" display criteria. Although the ZIP Code rather than "Full Address" will be displayed, all other profile information will be the same.

**c. No Post**

While known to law enforcement, a sex offender in this category will not be disclosed on the public Internet Web Site.

**d. Excluded**

Certain convicted sex offenders may apply for exclusion from the Megan's Law website. Registrants whose only registerable sex offenses are for the following offenses may apply for exclusion: (1) sexual battery by restraint (PC 243.4 (a)); (2) misdemeanor child molestation (PC 647.6, or former section 647a); or (3) any offense which did not involve penetration or oral copulation, the victim of which was a child, stepchild, grandchild, or sibling of the offender, and for which the offender successfully completed or is successfully completing probation.

**C. DEFINITIONS RELATED TO DISCLOSURE OF SEX OFFENDERS**

1. "Reasonably suspects" means a suspicion based upon information provided by another peace officer, or a member of the public, that a child or other person may be at risk of becoming the victim of a sex offense by a serious sex offender.
2. "Likely to encounter" means that the entity or individual is in a location close to where the offender lives or is employed, or that the offender visits or is likely to visit on a regular basis, and contact with the offender is reasonably probable.

**D. INVESTIGATIVE SERVICES DIVISION ASSISTANT COMMANDER**

The position of Investigative Services Division assistant commander is designated as responsible for oversight and records keeping in instances of information release under Megan's Law.

**E. ACCESS BY THE PUBLIC TO INFORMATION ON SEX OFFENDERS**

**1. Megan's Law Internet Web Site Access**

**A. The Web Site is accessible to anyone with access to the Internet via <http://meganslaw.ca.gov>.**

**F. PROACTIVE DISSEMINATION TO THE PUBLIC ABOUT SERIOUS SEX OFFENDERS.**

**1. Field officer/investigator - exigent circumstances**

A field officer or investigator may disseminate information on a Serious Sex Offender when a deputy receives confirmation from the Violent Crimes Information Network/Supervised Released File that the subject is a Serious Sex Offender and the following criteria are met. All criteria must be met to constitute exigent circumstances.

- a. A deputy has a reasonable suspicion,
- b. Based upon information which has come to his or her attention.
- c. That a person might become a victim of the sexual offender, and that,
- d. The offender is likely to encounter that person.

When all of the above criteria are met, the officer will:

- a. Obtain approval from the field supervisor to disseminate information to the potential victim(s).
- b. Tell potential victim(s) that the information is being provided to protect them and the public.
- c. Document the release of information in an ER form detailing to whom the information was released and the circumstances surrounding the release. Attach a completed "Megan's Law Field Release/Disclosure" form to the IR report. Route a copy of the ER to the Investigative Services Division assistant commander.

- d. The deputy disclosing the information will have a Sheriff's Office Records Technician make an entry of the circumstances into the Supervised Release File regarding contact with Serious Sexual Offenders as soon as practical, noting such in their police report.

**Example:** Exigent circumstances which would warrant the release of information regarding a Serious Sex Offender, would be when an officer stops such an offender who has been convicted of § 288 PC (Child Molestation) and the offender is with a child who may be at risk.

Note: Anyone can be made aware of the California Megan's Law Web Site.

#### **H. DEPARTMENTAL NOTIFICATION ABOUT SEX OFFENDERS**

- 1. Public and private educational institutions, day care establishments, and organizations that primarily serve individuals likely to be victimized by the offender, or persons identified as being at risk, may be notified by a deputy that a serious sex offender;
  - a. lives
  - b. works
  - c. or otherwise frequents an area.

**Note:** An area is not limited by jurisdictional boundaries, but is determined by the offender's method of operation, access and mobility.

#### **I. WHAT INFORMATION CAN BE DISCLOSED**

- 1. Deputies may, with the approval of his or her supervisor, disclose any or all of the following information permitted by § 290 P.C., subdivision(m) 2:
  - a. the offender's full name
  - b. the offender's known aliases
  - c. the offender's gender
  - d. the offender's race
  - e. the offender's physical description
  - f. the offender's photograph

- g.** the offender's date of birth
  - h.** crimes resulting in registration under this section
  - i.** the offender's address, which must be verified prior to release and requires the specific approval of the Investigative Services Lieutenant or member of Command Staff
  - j.** description and license number of the offender's vehicle or vehicles the offender is known to drive
  - k.** type of victim targeted by the offender
  - l.** relevant parole or probation conditions such as one prohibiting contact with children.
  - m.** dates of crimes resulting in classification under this section
  - n.** dates of release from confinement
- 2.** The Sheriff's Office is not required to disclose the address (business or residence) of the Serious Sex Offender.
  - a.** Release of general information such as street name, block number or cross street can be sufficient.
  - b.** Under exigent circumstances, with the approval of the Investigative Services Lieutenant (or Command Staff member) a deputy may release an offender's exact address.
  - c.** Prior to the disclosure of any address information about a serious sex offender, the Sheriff's Office must send a deputy, or otherwise verify, the offender's residence or business address to confirm that the offender lives or works there.
- 3.** Information identifying offenders' victims may not be released.
- 4.** The scope of notification shall be uniformly applied. When a member of the Sheriff's Office determines that there exists a need for notification, the same type of notification shall be made in all instances where similar circumstances apply.

1. Sheriff's Office members will prepare an IR with a "Megan's Law Field Contact/Disclosure" form which indicates the reasons for disclosing information on a Serious Offender. These forms will be forwarded to the Investigative Services Division assistant commander and he or she will maintain a record of the means and dates of dissemination for a minimum of five years.
2. The DOJ Supervised Release File shall be utilized to supplement this record. When an public release is made in response to a public inquiry to view the CD-ROM, the employee facilitating the release shall forward the completed "Request to Review Directory of Serious and High Risk Sex Offender Identification Information" to the Youth Services Unit Sergeant, who (if a specific offender is identified) will route a copy to the Records Section for appropriate updating of the DOJ Supervised Release File.

**K. SHERIFF'S OFFICE NOTIFICATION TO THE PUBLIC**

1. Releases shall be reviewed/approved by the Command Staff of the Sheriff's Office. In exigent circumstances the Sheriff may grant such approval. Note: Command Staff is comprised of the Sheriff, the Undersheriff, the Commanders, and the Captains.
2. Members of the Sheriff's Office, with such approval may use virtually any means to notify the public. Dependent upon the nature and risk presented in each circumstance, notification may be accomplished through television and radio announcements, newspapers, flyers, or personal contacts.
3. If a deputy believes that a serious offender who is not designated as high risk on the CD-ROM is in fact high-risk, the agency must contact DOJ for reevaluation of the offender's classification.
4. If information is disseminated on a high-risk offender, it must be documented in an IR report, accompanied by a completed "Megan's Law Field Contact/Disclosure" form. A copy of all releases of information will be maintained by the Investigative Services Division assistant commander for a period of five years. In each instance, the DOJ Supervised Release File shall be utilized to supplement this record.



**LAURIE SMITH  
SHERIFF**



## DESTRUCTION OF FILES GENERAL ORDER #16.03

Adopted: 07/07/2010  
Replaces: G.O. dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### POLICY

The Sheriff's Office shall maintain records for the period required by law and office policy, and longer if justified by need and space considerations.

### PROCEDURE

A. Certain records of the Sheriff's Office are to be kept a minimum of two years.

1. Divisional 'housekeeping' records and statistical records may be retained for the period of time for which the material is needed for reference, but available storage space should be considered when retaining these records.

B. Record retention will be:

1. Crime Reports - Open Capital Crime Reports and Felony Crime Reports with outstanding Warrants will be retained AFTER microfilming, in a segregated file in the Records Division.
2. Civil cases still pending beyond retention period should be retained until closed.

3. Retention Process:

RECORD TITLE	STORAGE (YEARS)	MICROFILM (YEARS)
CIVIL PROCESSES		
Accounting--Ledger Receipts	2	
Case Records:		
Service of Summons	5	

Service of Attachments	5
Sheriff's instructions	5
Sale of Real/Personal Property	PERMANENT

	STORAGE	MICROFILM
<b>DEPARTMENT ACCOUNTS</b>		
Service-& Contract Invoices	2	
Travel Exp. Vouchers-Dup.	2	
Undercover Fund Accounts	2	
Misc. Receipts	2	
<b>CRIMINAL RECORDS</b>		
Traffic Citations-Dup.	2	--
Crime Reports	4	2
Warrant/Arrest-Invest. Report	1	--
Booking/Custody Records	2	2
Traffic Accident Reports	4	--
<b>OTHER RECORDS</b>		
CCW Permits & Applications	1	1
Spec. Dep./Dep. Personnel Rec.	4	4
Departmental Correspondence	4	--

C. Microfilming of noted records will be programmed through Support Services Division captain.

1. Microfilming is handled by bid.

D. Records not covered above will be reviewed by the Sheriff's staff, and disposition indicated.

1. County Counsel's opinions as to the disposition of questionable records, falling into this category, should be obtained.

\*Storage Total time original documents are stored both in the office and at record retention center. (After which they are destroyed.)

\*\*Microfilm Point of time in which originals are microfilmed. Microfilm is kept indefinitely.



**LAURIE SMITH  
SHERIFF**





## **VEHICLE STORAGE AND IMPOUND GENERAL ORDER #17.02**

Adopted: 1/10/02  
Replaces: G.O. #17.02 dated 1/10/2010

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

Deputies shall give reasonable consideration to other available options before storing or impounding a vehicle.

### **PROCEDURE**

- A. If it is determined that a vehicle on the highway should be towed and there is legal authorization to tow, it may be towed by the deputy; however, deputies shall give reasonable consideration to other available options before storing or impounding a vehicle.
- B. Deputies assigned to contract cities should refer to city ordinance and other regulations of the contract city regarding vehicle impounds and tows.

### **C. DOCUMENTATION**

CHP 180 form will be used to document all vehicle reports. Accident report supplements (CHP 556) will be used to record additional information. On cases involving suspended or unlicensed drivers, the Suspended or Unlicensed Driver Questionnaire will be used. DL310 Verbal Notice by Peace Officer, DMV or Court Employee form should also be used, when appropriate. On cases involving abandoned vehicles, the Santa Clara County Abandoned Vehicle Abatement Service Authority (AVASA) Vehicle Abatement Reimbursement Claim Form will be used.

### **D. IMPOUNDED AND STORED VEHICLES**

An impounded or stored vehicle is a vehicle seized or stored under authority of law. Deputies should refer to the Vehicle Code for the appropriate sections.

1. Towing Due to Arrest - when a driver of a vehicle is arrested and booked, or cited for being an unlicensed driver or for driving on a suspended license, the following options and considerations should, when possible, be made prior to towing:
  - a. If the driver is not the owner or registered owner of the vehicle, is the driver in lawful possession of the vehicle? Is consent to drive or have possession of the vehicle an issue and, if so, can it readily be verified or will it require follow-up investigation?
  - b. Is the vehicle on private property and does the property owner or agent in lawful possession of the property want the vehicle removed? Refer to CVC 22658(a), 22653(c), 22655.5, 22651.
  - c. Is the vehicle legally parked or can it be legally parked at the scene or location of occurrence? Is the area inherently unsafe to leave the vehicle because it is isolated, in poor lighting, located on a narrow roadway or likely to create a traffic hazard or obstruction?
  - d. Does the vehicle contain property of value, tools, equipment or machinery which would make the vehicle or contents a target for theft?
  - e. Does the condition of the vehicle itself make it unsafe to leave at the scene? (i.e., doors, windows, trunk lids or locks which don't work properly, convertible tops which can be easily cut to gain entry when valuables are stored in the vehicle or in plain view).
  - f. Is the driver capable of and willing to sign a vehicle waiver release of liability form? Is there a licensed passenger? Does the owner consent to the passenger taking custody of the vehicle? Can the owner be located to determine whether consent may be given?
  - g. Is the driver or person in control of the vehicle impaired or under the influence of alcohol or a controlled substance to such a point that their judgment or decision making should be questioned regarding whether or not the vehicle and its contents can be safely left at the scene?
  - h. Is the driver unlicensed or driving on a suspended license? Does the driver show a history of these violations within the last five years?
  - i. Is the driver or person in control of the vehicle reasonably likely to unlawfully drive or repeat a driving offense if released at the scene within proximity or access to the vehicle?
  - j. Is the vehicle itself evidence or does it contain evidence which must be secured and collected, such as fingerprints, paint transfer, stolen property?

(i.e., recovered stolen or embezzled vehicles, hit and run vehicles, altered V.I.N. plates)

- k. If the driver's license is suspended and fits the criteria of a 30 day impound or the driver has never been issued a license, the deputy may tow the vehicle.
- 2. The deputy should utilize the Suspended or Unlicensed Driver Questionnaire - Form 6.05 to assist in determining the options and considerations governing the towing of the vehicle.
- 3. Inventory Examination - an inventory examination shall be performed on every vehicle which is towed, as an administrative procedure to protect and safeguard the property and valuables of citizens and also to protect the Sheriff's Office from civil litigation resulting from lost, missing, damaged or unaccountable property. Items of value shall be listed on either the CHP 180 Form, the Property Report Form or the narrative of the report. In order to ensure that items of value are not overlooked, deputies may inventory the contents of unlocked containers found inside the vehicle if the contents cannot be determined from examining the outside of the container. Locked containers may be opened for inventory with the consent of the person in control of the container.

#### **E. RECOVERED VEHICLES**

The following guidelines will be used when recovering stolen vehicles:

- 1. Investigation - Communications shall contact the reporting agency in order to determine if they are requesting evidence collection or if they would like to respond and recover the vehicle (if the vehicle was used in a major crime this may be the case). The deputy shall complete the recovery form and notify Communications of the recovery so that they may send the necessary cancellation to Stolen Vehicle System (SVS). Communications will send a teletype to the originating agency advising of the recovery.
- 2. Local Owner - when a vehicle is recovered within Santa Clara County and the owner is a county resident, the initiating deputy shall attempt to contact the owner via Communications. It will be up to the owner to decide the disposition of the vehicle. This action should only be taken if the vehicle is not a hazard.

If the owner cannot respond to take charge of the vehicle in a timely manner, the deputy shall tow and store the vehicle. Actions taken by the officer regarding attempts to notify the owner and the owner's response will be noted in the report.

- 3. Investigative Services Division Responsibilities- this division has the following responsibilities:

- a. Update case file with recovery report.
- b. Mail notification to legal and registered owners of vehicle, per 22852 CVC.
- c. Release vehicle in accordance with the procedure provided in this General Order; however, during non-business hours, the patrol supervisor may release a recovered vehicle to the owner if the vehicle is not needed for evidence.

**F. ABANDONED VEHICLES**

An abandoned vehicle is any vehicle left unattended in one location in excess of 72 hours. Authority to remove the vehicle is provided by 22651(k) CVC. The procedure for removing abandoned vehicles is as follows:

- 1. The initiating deputy will:
  - a. Completely fill out the Vehicle Check Card and chalk or otherwise mark the vehicle's location.
  - b. Request a stolen vehicle and registration check on the vehicle and attach hard copies to Check Card.
  - c. Attach warning notice to the vehicle.
  - d. Route Check Card to Headquarters Patrol or West Valley Division for follow up.
  - e. Check the vehicle after 72 hours. If the deputy is unable to check the vehicle after 72 hours, he or she should advise the patrol supervisor, who should assign another deputy to follow up to ensure removal of the vehicle.
  - f. A citation may be left with the vehicle.
  - g. CHP 180 form will be completed by the deputy requesting the tow and signed by the tow company and a copy given to the tow company. All paperwork will be identified with the case number.
  - h. Advise Communications of the impound with pertinent information to ensure that proper SVS entry is made.
- I. Complete the AVASA Vehicle Abatement Reimbursement Claim Form.

2. Headquarters Patrol or West Valley Division will send a Notice of Stored Vehicle letter to the registered and legal owner. The letter will be completed by the secretary or by other division personnel.

**G. PRIVATE PROPERTY TOWS**

22658 CVC Requirements. The deputy responding to a private property tow will:

1. advise the owner of posting requirements in the section and make sure that property is properly posted.
2. have the owner call a tow company of his/her choice.
3. Advise the owner of the property that he/she must comply with the requirements of 22852 and 22853 CVC.



**LAURIE SMITH  
SHERIFF**



## **STRANDED MOTORIST GENERAL ORDER #17.04**

Adopted: 07/07/2010  
Replaces: G.O. #17.04 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

The Office of the Sheriff will provide assistance to all disabled motorists upon public roads and highways, as well as any other locations found to be applicable in accordance with this order.

### **PROCEDURE**

- A. Sheriff's Office personnel who are driving marked Sheriff's vehicles who observed a disabled/stranded motorist on a highway or freeway will stop and provide reasonable assistance unless one of the following conditions exist:
  - 1. The Sheriff's personnel is involved in an assignment that could be jeopardized by stopping to render assistance.
  - 2. The safety of the Sheriff's personnel or other motorists might be endangered by the maneuvering necessary to stop.
- B. If the Sheriff's Office personnel is unable to stop and assist a disabled motorist located within the Sheriff's or contract city jurisdiction, the county communication dispatcher will be advised of the vehicle's description, location, and direction of travel. The dispatcher will advise another beat unit or the appropriate agency to assure assistance is provided.
- C. All Sheriff's personnel, while operating a marked patrol vehicle, that observes any occupied vehicle on a roadway which appears to be disabled shall stop and inquire if the motorist needs any assistance, except in the following circumstances:
  - 1. When responding code 3 to an emergency call, or in an attempt to overtake or pursue an actual law violator.

2. When it appears that assistance already has been rendered by another agency, commercial vendor, or a citizen.

**D.** In providing assistance to a disabled motorist, the deputy shall not:

1. Perform any mechanical repair service.
2. Cause the department or the county to incur any extraneous expenses such as providing fuel or mechanical supplies.



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**LAURIE SMITH**  
**SHERIFF**



## **BICYCLE REPORTS GENERAL ORDER #17.05**

Adopted: 07/07/2010

Replaces: G.O. #17.05 dated 1/10/02

Updated: 02/22/2010

Reviewed: 02/22/2010

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### **POLICY**

The Office of the Sheriff adopts the following procedure for cases involving bicycles abandoned, stolen, found, recovered and storage.

### **PROCEDURE**

- A. Cases involving bicycles are to be reported on a bicycle report form as well as an incident report form and shall be given an incident report number. All such reports will be written, reviewed and submitted in the same manner as an incident report.
- B. Stolen bicycles may fall into either a felony or a misdemeanor category as defined in P.C. 486. The value of the property, as well as the fact that property was stolen during a burglary will be deciding factors.
- C. Recovered bicycles, which were previously reported stolen to the Sheriff's Office, will be handled with a supplementary report to the original bicycle case.
- D. Found bicycles, which are not linked to a previous incident report, shall be documented with a found bicycle report form and an Incident Report – Found Property form and classified as such.
- E. Abandoned bicycles are those which appear obviously discarded either intact or with major components missing. Documentation will consist of a bicycle report form.
- F. Outside service has a bicycle reported stolen to another police agency, but recovered by the Sheriff's Office. This event will be documented on a bicycle report form as well as an incident report form and classified as outside service. Court Liaison Unit will ensure that a copy of the report is forwarded to the police agency.



- G. The buff copy of the bicycle report form and a departmental evidence tag shall be attached to each bicycle taken into storage.
- H. Bicycles impounded as evidence pursuant to a lawful arrest, associated with a suspect, as evidence, or for safekeeping will be handled in the same manner as other forms of evidentially property.
- I. The Investigative Service Division will be responsible for retention, release and destruction of routine bicycle property cases.
- J. Evidence Technicians will be responsible for receiving the bicycle into the Sheriff's Office property storage area. An inventory will be maintained and processing of the bicycle for disposition will occur pursuant to statutory law.
- K. County ordinance A20-7 deals with the return of property in the custody of the Sheriff after 6 months of the date of the deposit. Exception to this will be property seized and held in lawful custody pending release by a court order.
- L. The intent of this procedure is to return the bicycle to the rightful owner in an expeditious manner. All attempts to achieve this goal will be inquired thoroughly and then resolved.



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**LAURIE SMITH**  
**SHERIFF**



## **HATE CRIMES GENERAL ORDER #17.07**

Adopted: 07/07/2010  
Replaces: G.O. #17.07 dated 1/10/2010

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

It is the policy of the Sheriff's Office to ensure that rights guaranteed by the constitutions and laws of the United States and the State of California for all citizens regardless of their race, color, religion, ethnic origin, national origin, or sexual orientation. The Sheriff's Office has a zero tolerance policy for hate crimes, and will investigate all reported prejudice-based incidents and support vigorous prosecution of those apprehended for such acts.

### **PROCEDURE**

#### **A. DEFINITIONS**

1. "Prejudice-based incident" or hate crime:

"Any violence, or intimidation by threat of violence against the person or property of another, where the motive of the perpetrator is hatred of one or more of the personal characteristics of the victim(s), including, but not limited to: race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute."

2. Guidelines for hate crime determination:

- a. The hate crime must involve a specific target, such as an individual, property of an individual, residence, house of worship, religious or ethnic organization, or business.
- b. Graffiti must be racial, ethnic, religious, or homophobic in nature, such as swastikas, KKK, Nazi, or other hate group symbols, slogans or literature, or involve the use of epithets.

- c. Any assault against a person, in the absence of other apparent motivation, when initiated with, or involving racial, ethnic, religious, or homophobic epithets, will be considered to be a hate crime.
- d. Vandalism to a house of worship, ethnic, religious, gay and lesbian organization's property will be considered a hate crime in the absence of evidence of other motives.
- e. Obscene or threatening phone calls, when containing racial, ethnic, religious or homophobic slurs, are considered hate crimes.
- f. Although the following are of concern because they may reflect intergroup tension, they are not considered hate crimes because they are not aimed at a specific target or because of constitutional protections:
  - 1. Graffiti on freeway overpasses, public phone booths, etc.;
  - 2. "Punk rock" or gang graffiti, even if accompanied by a swastika;
  - 3. Interracial crimes, such as robbery, assault or rape, which are motivated by factors other than race, ethnicity, religion, or sexual orientation;
  - 4. Intragroup acts, regardless of graffiti, including gang graffiti and other gang acts;
  - 5. Name calling and epithets not accompanied by assault; and
  - 6. KKK, Nazi, or other similar group rallies, leafleting, or recruiting drives.

Reportable incidents include: criminal acts such as threatening phone calls, physical assaults, destruction of property, bomb threats, and disruption of religious meetings, as well as non-criminal acts, such as name calling or news articles, done with the apparent motive to harass, intimidate, threaten, retaliate, or create conflict among groups having different personal characteristics such as race, religion, ethnicity or sexual orientation.

Motivation: The motivation behind the act determines whether an incident is prejudice-based. When determining motivation, a deputy must ask:

- 1. Why does the victim believe he/she was victimized?
- 2. Were words or symbols, such as a burning cross or swastika, used or acts performed which are or may be considered to be offensive to the victim or a particular group?

3. Is there a history of similar acts or crimes directed against the same individual or group, or against the person or persons with whom the victim is associated?
  4. Does a meaningful portion of the community perceive the incident as prejudice-based?
  5. If all the parties involved were of the same race, ethnicity, etc., would the incident still have occurred?
  6. Has an injunction been issued in related cases?
- B. The proper investigation of hate crime incidents is the responsibility of each deputy. All deputies must be sensitive to the feelings, needs, and fears that may be present in the victim and the community as a result of incidents of this nature. The primary personnel responsible for investigating these types of incidents are the deputies responding first to the alleged incident.

When a deputy on the scene determines (after applying the established criteria) that a hate crime incident is alleged, the crime **must** be thoroughly investigated and a sensitive response provided to the victim(s) and community by following these procedures:

C. **INVESTIGATING DEPUTIES**

1. Shall respond in a sensitive way to the feelings and needs of the victim(s).
2. Shall immediately take all possible investigative and enforcement action.
3. Shall record the incident on the appropriate form.
4. Shall preserve the crime scene and evidence.
5. Shall note any hate crime-motivated destruction or defacement of property, such as cross burning or a painted swastika, with special attention to paints, drawings, remarks, handwriting, or other graphical evidence. Shall immediately report these findings to the shift sergeant/field commander for evaluating the need to dispatch investigative services officer(s).
6. Shall gather evidence and search the scene on those incidents to which an investigative services officers does not respond.
7. Shall prepare a detailed report.

D. **SHIFT SERGEANT/WATCH COMMANDER**

1. Shall respond immediately to the scene of all incidents as defined above.
2. Shall ensure that the crime scene is protected.
3. Shall request investigative services officer(s) if any hate crime-motivated destruction or defacement of property has taken place which cannot be documented by the investigating deputy or if the special expertise of investigation services is needed.
4. Shall ensure that the scene is properly searched and evidence is gathered for incidents in which investigation services does not respond.
5. Shall visit the victim(s) as soon as possible. Assure each victim that the preliminary investigation, as well as any follow-up, will be actively pursued.
6. Shall notify division commander of all hate crime incidents. The division commander shall notify the Assistant Sheriff, Field Enforcement Bureau, of all hate crime incidents.
7. Shall arrange for an immediate increase of patrols throughout the affected area.
8. Shall ensure that all physical evidence from the incident is removed for processing. . If the evidence is too large to be transported by police vehicle, a commercial truck shall be used. If the evidence cannot be physically carried away (example: paint on walls), the shift sergeant or watch commander shall attempt to impress upon building or property owners the need for complete restoration as soon as possible.
9. Shall ensure that the report contains full data on the materials used (cross, literature, paint, etc.), including size, construction, wrappings, messages, plus the method of removal and the disposition of the remains.
10. Shall ensure that copies of all photos taken are forwarded to the intelligence section for analysis and monitoring purposes.

**E. DIVISION COMMANDER AND/OR LIEUTENANT**

1. Shall ensure that the investigation is actively pursued to a successful conclusion until all leads have been exhausted.
2. Shall ensure that the investigation is considered a top priority matter by the investigating personnel.

3. Shall ensure that personnel make an immediate follow-up contact with the victim(s) to assure each that the investigation will be actively pursued.
4. Shall make personal contact with the victim(s) if the severity of the case (as measured by the magnitude of the crime, the impact upon the community, etc.) dictates this action.
5. Shall ensure that increased patrols through the affected area are continued as long as necessary, but at least for several days following the incident.
6. Shall ensure that the word(s) and/or symbol(s) that cannot be carried away (example: paint) have been appropriately covered or eliminated as soon as possible.
7. Shall ensure that the victim(s) and concerned parties are informed of a case clearance contact and coordinate activities with the Assistant Sheriff, Field Enforcement Bureau, and the Public Information Officer.

**F. ASSISTANT SHERIFF, FIELD OPERATIONS BUREAU**

1. Shall ensure that the investigation is actively pursued to a successful conclusion or until all leads have been exhausted.
2. Shall ensure that shift sergeant/watch commander and lieutenant/division commander have made follow-up contact with the victim(s) to assure each that the investigation will be actively pursued.
3. Shall make personal contact with the victim(s) if the severity of the case (as measured by the magnitude of the crime, and the impact on the community) dictates this action.
4. Shall notify the Sheriff. Make regular reports to the Sheriff about the investigation and contact with the victim(s) and the community and if requested to do so by the Sheriff, shall notify the chair of the Board of Supervisors and the Director of the Santa Clara County Human Relations Commission within 3 business days, as required by County Ordinance A20-13.
5. Shall ensure that the public information officer is apprised of such incidents, clearances, and any other information which may be of interest to the media.
6. Shall ensure that the Sheriff's Office response is adequate, such as increased patrols through the affected area as long as necessary.
7. Shall maintain contact with community leaders concerning the progress of the investigation.

8. Shall ensure that the victim(s) and other concerned parties are informed of a case clearance.
9. Shall coordinate with the public information officer, division commander(s) and other department personnel, as necessary.
10. Shall ensure that the incident is properly reported to the Department of Justice.

**G. INTELLIGENCE SECTION**

1. Shall respond to the scene if a response is warranted in the opinion of the intelligence section lieutenant.
2. Shall collect data for the purpose of tracking organized hate groups and extremists to detect patterns and suspects of criminal activity.

**H. INVESTIGATIVE SERVICES DEPUTIES**

1. Shall respond to the scene of any hate crime-motivated destruction or defacement of property.
2. Shall obtain a sample of the cross, paints, or other materials used.
3. Shall photograph and process the scene.
4. Shall gather and take custody of any related evidence.
5. Shall forward copies of all photographs to the intelligence section for analysis and monitoring purposes.

**I. CLASSIFICATIONS OF REPORTED HATE CRIME INCIDENTS**

1. Verified

To be verified as a reported hate crime, an incident must meet either or both of the following conditions:

- a. It must be motivated or apparently motivated by racial, religious, ethnic, and/or sexual orientation, prejudice.
- b. The incident is perceived by the victim as being motivated by hate crime prejudice.

**2. Unverified**

The unverified classification is for those incidents where the evidence is conflicting, incomplete, inconclusive, or otherwise insufficient to classify as verified or unfounded. In some cases a detective from the intelligence section may be asked to gather additional information.

**3. Unfounded**

A reported hate crime incident will be classified unfounded if the evidence definitely indicates that the incident is not a hate crime or if the incident never occurred, for example, a false report.

A handwritten signature in cursive script, appearing to read "Laurie Smith".

**LAURIE SMITH  
SHERIFF**





## **PUBLIC INTOXICATION GENERAL ORDER #17.08**

Adopted: 07/07/2010  
Replaces: G.O.# 17.08 dated 1/10/02

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

When a subject is intoxicated in public to a degree that he or she cannot care for his or her own safety, in violation of Penal Code section 647(f), deputies are encouraged to follow that disposition which serves the best interests of the subject and the people of Santa Clara County.

### **PROCEDURE**

#### **A. INITIAL CONTACT**

A deputy who observes an individual suspected of being under the influence of intoxicating liquor or a drug to a degree that he or she cannot care for his or her own safety, in violation of Penal Code section 647(f), shall determine whether there are objective facts supporting a determination that probable cause exists to arrest the suspect.

#### **B. ARREST OR RELEASE**

1. If a deputy determines that probable cause exists to arrest the suspect for a violation of Penal Code section 647(f), the deputy should consider alternatives for disposition that are consistent with the best interests of the community, the suspect, and the Sheriff's Office.
2. The alternative dispositions available to a deputy who has probable cause to believe that a suspect is in violation of Penal Code section 647(f) are to:
  - a. Release the suspect to a responsible, sober adult at the scene. **Note:** If emergency medical personnel have been called to the scene, the deputy should not call them off. The deputy should permit the emergency medical personnel to conduct a medical evaluation of the suspect.

- b. Transport the suspect to his or her home or to a place where a responsible, sober adult will accept responsibility for him or her, if practical.
- c. Book the suspect into county jail.

A handwritten signature in cursive script, appearing to read "Laurie Smith".

**LAURIE SMITH  
SHERIFF**



## **DOMESTIC VIOLENCE AND PROTECTION ORDERS GENERAL ORDER #17.09**

Adopted: 07/07/2010  
Replaces: G.O. #17.09 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

The Santa Clara County Sheriff's Office recognizes that domestic violence is a serious community problem, and will respond to acts of domestic violence as crimes. Victims of domestic violence will be treated with respect and dignity and will be given assistance by law enforcement personnel responding to an incident of domestic violence, and referred to other sources of assistance and support.

### **DEFINITIONS**

- A. "Domestic Violence" is abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, a person with whom the suspect has had a child or is having or has had a dating or engagement relationship. Domestic Violence also includes abuse committed against a child in the family or a child who is the subject of an action under the Uniform Parentage Act.
- B. "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or another.
- C. "Victim" means a person who is a victim of domestic violence.
- D. "Pro-Arrest Policy" refers to an enforcement policy in which physical arrest shall be made in every situation where an arrest is legally permissible; absent exigent circumstances.
- E. "Deputy" means any sworn member of the Sheriff's Office.

- F. "Restraining Order" is an order which requires a person to refrain from doing a particular act or acts. It is issued by the Superior Court, with or without notice to the person who is to be restrained. A restraining order remains in effect for a set period of time which is stated on the face of the order. If no time period is stated on the face of the order, the effective time period is 5 years.
- G. "Temporary Restraining Order" is a type of restraining order which requires a person to refrain from doing a particular act or acts. It is issued by the Superior Court, with or without notice to the person who is to be restrained. A temporary restraining order will remain in effect until a formal court hearing can be held.
- H. "Domestic Violence Order" is a type of restraining order which is issued pursuant to the Domestic Violence Prevention Act, (Family Code Sections 6200-6389), or the Uniform Parentage Act (Family Code Sections 7710 and 7720), Domestic Violence Protection Act (Family Code Sections 6200-6389) or in connection with a dissolution, legal separation or annulment (Family Code Sections 2045, 2047, and 2049). This includes all local Domestic Violence related orders from other states, counties and juvenile courts.
- I. "Stay Away Order" is a type of restraining order in a criminal or civil case involving domestic violence where there is a likelihood of harassment of the victim by the defendant. A Penal Code Stay Away Order may remain in effect as long as the defendant is under a court's jurisdiction, including any sentence, probationary or parole period. Stay Away Orders are issued pursuant to Penal Code Section 136.2 while a criminal prosecution is pending. Orders may also be issued pursuant to the Civil Harassment Prevention Act (Code of Civil Procedure Section 527.6), Workplace Violence Safety Act (Code of Civil Procedure Section 527.8), Uniform Parentage Act (Family Code Sections 7710 and 7720), or in connection with a dissolution, legal separation, or annulment (Family Code Sections 2045, 2047, and 2049). Civil Restraining Orders may be issued for a maximum of 5 years. Restraining Orders may be issued for a maximum of 10 years pursuant to 646.9(h) PC. The Juvenile and Dependency Court can also issue restraining orders pursuant to W&I Section 213.5 if the minor meets the qualifications listed under sections (a), (b) and (c) of this section.
- J. "Emergency Protective Order" (EPRO) is a type of restraining order issued by a Judge or Commissioner at any time, whether or not Court is in session. It is intended to function as a temporary restraining order if a person is in immediate and present danger of domestic violence or child abuse, or where a child is in immediate and present danger of being abducted by a parent or relative. It can also function as an order (when no custody order is in existence) determining temporary care and control of minor children of the above-described endangered person. The issuance of an EPRO is not precluded by an arrest.
- K. "Cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship (including same sex relationships). Factors that may determine whether persons are cohabiting include, but are not limited

to: (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

- L. "Dating Relationship" means voluntary associations characterized by the expectation of affectional or sexual involvement.

### **COMMON CHARGES**

A situation involving domestic violence may result in a violation of one or more of the following sections of the Penal Code: (This list is not all inclusive.)

1.	136.1	-	Intimidating or dissuading a witness.
2.	148	-	Resisting arrest.
3.	166	-	Violation of a court order.
4.	187	-	Murder.
5.	207	-	Kidnapping.
6.	236/237	-	False imprisonment.
7.	236/1	-	Trafficking
8.	240	-	Assault.
9.	243 (a)	-	Battery.
10.	243 (e)	-	Battery - Spousal/Cohabitor/"parent of suspect's child"/non-cohabiting former spouse/fiancee/fiancee/dating relationship abuse.
11.	243 (d)	-	Battery with serious bodily injury
12.	243.25	-	Battery of an elder or dependent adult, who knew or should have know that the victim is an elder or dependent adult
13.	245	-	Assault with a deadly weapon.
14.	246	-	Shooting at an inhabited dwelling.
15.	261.5	-	Unlawful sexual intercourse
16.	262	-	Spousal rape.
17.	273.5	-	Spousal/Cohabitor/"parent of suspect's child" abuse.
18.	273.6	-	Violation of a protective order.
19.	417	-	Brandishing a weapon.
20.	418	-	Forcible entry into the home of another.
21.	422	-	Terrorist threats.
22.	459	-	Residential burglary.
23.	591	-	Malicious destruction of a telephone.
24.	591.5	-	Unlawful removal, damage of wireless communication device, or obstructing use of such device to summon law enforcement.
25.	594	-	Vandalism.
26.	597a	-	Cruelty to animals
27.	602.5	-	Trespassing.
28.	603	-	Forcible entry with damage to property.
29.	646.9	-	Stalking.

- 30. 647 (f) - Public drunkenness.
- 32. 653m (c) - Annoying telephone calls - (1) violating court order; or (2) by spouse/cohabitor/parent of suspect's child.
- 33. 12020 (a) - Possession of a dangerous weapon.
- 33. 12021 (g) - Restrained person possess or attempt to purchase firearm
- 34. 12025 (a) - Possession of a concealed firearm.
- 35. 12028.5 - Confiscation of firearms (Administrative section)
- 36. 12031 - Possession of a loaded firearm.
- 37. 653.2 - Electronically distributing, publishing, e-mailing, or making available for download, personal identifying information of an electronic message of a harassing nature, about another person, with the intent to place the person in reasonable fear for his or her safety, or his or her immediate families safety and for the purpose of imminently causing the person unwanted physical contact, injury or harassment by a third party.
- 38. 664 - Attempt of any of the above
- 39. 139 - Threatening witnesses

#### **PATROL DEPUTY RESPONSE/INVESTIGATION**

##### **A. Enforcement of Laws in Domestic Violence Incidents.**

##### **FELONY**

1. An arrest shall be made in the event that there is probable cause to believe that a felony has occurred. All suspects arrested should be booked into the county jail, or juvenile hall. If a deputy has probable cause to believe that a felony has occurred, an arrest shall be made irrespective of whether the deputy believes the offense may ultimately be prosecuted as a misdemeanor.

##### **MISDEMEANOR**

2. The suspect shall be arrested in the event that a misdemeanor domestic violence incident occurs in the deputy's presence. Such situations include, but are not limited to, a deputy who witnesses an act of domestic violence, a violation of a verifiable restraining order or illegal possession of a weapon.
3. When a misdemeanor domestic violence assault or battery has been committed outside the deputy's presence, and the victim is the suspect's spouse, former spouse, cohabitant, former cohabitant, fiancée, parent of his or her child, or a person with whom the suspect has had or is having an engagement relationship or a current or prior dating relationship, a peace officer may arrest the suspect without the need of a private person's arrest. Penal Code section 836(d) PC, effective 1/01/97, now makes it possible for deputies to arrest when the crime

does not take place in their presence where both of the following circumstances apply:

- a. The peace officer has reasonable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.
  - b. The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.
  - c. This will also apply if the assault or battery involved a person age 65 or older where the elderly victim is related to the suspect by blood or legal guardianship (836.5 PC).
4. An arrest shall be made if the officer has probable cause to believe that the suspect has violated a domestic violence protective order, restraining order, stalking emergency protective order, or elder abuse protective order, even when the crime did not occur in the officer's presence (836 PC).
5. If a victim complains only of a prior unreported incident and has no complaint of pain or physical injury at the time of the current report, the officer shall make a good faith effort to inform the complainant of his/her right to make a private person's arrest (arrest must fall within the statute of limitations). If the complainant chooses not to exercise that right, the officer shall submit a report to the District Attorney or Juvenile Probation for review. **The arrest must fall within the statute of limitations and meet the requirements listed above in paragraph (3).**

#### **HANDLING OF THE INCIDENT**

6. The existence of the elements of a crime supporting an agency arrest or the willingness of the victim to make a private person's arrest shall be the sole factors that determine the proper method of handling the incident. The following factors, for example, are not to influence the deputy's decision to arrest in domestic violence incidents except as they relate to the elements of the crime:
  - a. The relationship or marital status of the suspect and the victim, i.e., not married, separated, or pending divorce;
  - b. The fact that the victim and suspect are of the same gender;
  - c. Whether or not the suspect lives on the premises with the complainant;

- d. The existence or lack of a temporary or other restraining order;
  - e. The potential financial consequence of arrest;
  - f. The complainant's history or prior complaints;
  - g. Verbal assurances that violence will cease;
  - h. The complainant's emotional state, or state of sobriety
  - i. Injuries are not visible;
  - j. The location of the incident, i.e., public or private;
  - k. Speculation that the complainant may not follow through with the criminal justice process or that the arrest may not lead to a conviction.
7. Once a suspect is arrested on a misdemeanor offense, he/she should be booked into the county jail.
- a. In situations where mutual protective orders have been issued under subdivision 10 (commencing with section 6200) of the Family Code prior to making an arrest the deputies shall make reasonable efforts to identify, and may arrest, the "dominant aggressor" involved in the incident without a warrant (PC 836(3))
  - b. Persons arrested for crimes specified in PC 1270.1, including the following crimes, cannot be released at the scene:
    - 1. PC 243 (e)(1) – misdemeanor domestic violence
    - 2. PC 273.5 – domestic violence with corporal injury
    - 3. PC 273.6 – violation of a protective order if the detained person made threats to kill or harm, has engaged in violence against, or has gone to the residence or workplace of the protected party; or
    - 4. PC 646.9 – stalking

These arrestees must be taken to jail, after which they may post bail. If they are to be released for more or less than the scheduled bail or on their own recognizance, a hearing must be held in open court pursuant to PC 1270.1 (Note: No cite and release)

8. A deputy shall make no statements which would tend to discourage a victim from reporting an act of domestic violence or requesting a private person's arrest.



9. Pursuant to Penal Code section 13700 et seq., a deputy responding to an incident of domestic violence shall prepare a Domestic Violence Incident Report in all cases.

**B. Investigation of Domestic Violence Cases.**

1. Deputies arriving at a domestic violence scene should conduct a thorough investigation and submit reports of all incidents of violence and all crimes related to domestic violence. If the incident occurred in another jurisdiction, the deputy should contact that jurisdiction to determine which agency will investigate the incident.

2. The following steps should be included in a deputy's investigation and subsequent report:

- a. Arrival at scene

- i. Determine location and condition of victim and suspect.
- ii. Determine if any weapon is involved or in the home. Confiscate and collect as evidence any weapons or firearms used in the incident. If the incident involves any threat to human life or a physical assault, the weapon shall be taken into temporary custody under Penal Code Section 12028.5,
  - iii. There are now three additional instances when a search warrant can be requested and issued in a case PC 1524.
    - a. At the premises occupied or under control of the person arrested for domestic violence incident involving a threat to human life or a physical assault as provided in 12028.5 (b) above.
    - b. When the property or things to be seized include a firearm or other deadly weapon that is owned by, or in the possession of, or in the custody of, a person described in W&I 8102 (a).
    - c. When the property or things to be seized include a firearm that is owned by, or in possession of, or in the custody or control of a person who is subject to the prohibitions regarding firearms pursuant to Family Code 6389.
- iii. Provide appropriate level of aid to injured parties.
- iv. Separate suspect, victim, and witnesses. (Victim should be out of suspect's view.)

**b. Preliminary investigation**

- i.** Interview everyone separately - victim, suspect, children, other witnesses.
- ii.** Ask victim and suspect if they have pain even if there are no visible injuries.
- iii.** Document victim's and suspect's condition and demeanor.

Document torn clothing.

Document smeared make-up.

Investigate the evidence of injury.

- iv.** Document disarray in house.
- v.** Document suspect's symptoms of use/influence of alcohol or controlled substances.
- vi.** Document size relation of victim and suspect.
- vii.** In apparent "mutual combat" situations, try to determine who was the dominant aggressor (dual arrests are discouraged, but not prohibited per Penal code Section 13701):

Was one party in actual fear of the other?

Did one party escalate the level of violence, i.e., did one party react to a slap by beating the other party?

Was one party physically larger and stronger than the other?

Was there a history of violence by one of the parties against the other? Against other people?

Was one party usually the aggressor?

Did any injuries appear to be defense wounds?

- viii.** If victim has a restraining order against suspect, obtain a copy of the order and valid proof of service (proof of service is not necessary if the suspect was in court when the order was issued).

If no copy is available, contact the Department of Justice Domestic Violence Protective Order Registry (Domestic Violence Restraining Order System DVROS/CLETS) to verify the existence of the order. (Family Code Section 6383(d)). If there is no order, inform victim how to get an order.

- ix. Advise victim of Emergency Protective Order (EPRO), and ask if one is desired. (Victim should be out of suspect's view.)
  - x. If victim has a restraining order which has not yet been served on suspect, verbally inform the suspect of the order and note in the report including case number of the Restraining Order. If victim has an extra copy of the order, serve on the suspect and fill out proof of service. Return the original proof of service to the victim for filing with the court. If a suspect is given verbal notice of the Order, the deputy must advise the suspect to go to the local Family Court to obtain a copy of the Order containing the full terms and conditions of the Order (Family Code Section 6383(g)).
- c. If suspect taken into custody
    - i. Document spontaneous statements.
    - ii. Prevent communications between suspect and victim/witnesses.
    - iii. Advise suspect of Miranda rights.
    - iv. Take statements.
  - d. Evidence
    - i. Document condition of crime scene (disarray of physical surroundings).
    - ii. Photograph crime scene, if applicable.
    - iii. Ensure that victim/suspect are photographed.
    - iv. Impound and/or photograph weapons and other evidence. (Consider Penal Code Sections 12021 (c) - Persons convicted of specific misdemeanors and 12028.5 - Confiscation of firearms and dangerous weapons.
  - e. Medical treatment

- i.** Obtain authorization for release of medical records from victim, if possible.
  - ii.** Document extent of injuries/treatment, if known.
  - iii.** Obtain names, addresses, and phone numbers of fire, ambulance or paramedic personnel treating the victim, if possible.
- f.** Completing Crime Report
  - i.** Maintain objectivity in reporting. Avoid personal opinions regarding comments from victim/suspect.
  - ii.** Ensure that elements of all involved crimes are included in the report.
  - iii.** Document any injuries victim/suspect have sustained.
  - iv.** Document that victim received referral per Penal Code Section 13701
  - v.** Document past history of violence.
  - vi.** Document prior domestic violence incidents at that address involving the alleged abuser or victim.
  - vii.** Document statements of victim, suspect, and all witnesses including children.
  - viii.** Document physical evidence obtained.
  - ix.** Document probation/parole status.
  - x.** Document whether alcohol/drugs were involved by the alleged abuser.
  - xi.** Document names and ages of children who were present and/or residing in the home at the time the offense occurred or who were not present but reside in the home. Also document the names, addresses and ages of children present in the home at the time of the incident, who may not be related to the victim and/or suspect AND children who may not reside in the home but whose parents are involved in the domestic violence incident.

3. When documenting a domestic violence-related crime, identify the report as a domestic violence incident on the face of the report as required by Penal Code Section 13730 (c).
4. Deputies should not misinform victims of domestic violence that the victim has the authority to “press” charges or “drop” charges. If a victim spontaneously states that prosecution is not desired, the victim should be told that the decision to prosecute is made by the District Attorney.

#### **FOLLOW-UP INVESTIGATION**

- A. All domestic violence reports prepared by Deputies pursuant to Penal Code section 13700 et seq., should be reviewed and given follow-up investigation as needed.
- B. Follow-up investigations should be geared to the requirements of the District Attorney's Domestic Violence Unit.
  1. Follow-up investigations should include the following:
    - a. Verify the inclusion of all investigative steps described above regarding patrol deputy response/investigation;
    - b. Obtain medical records, if available;
    - c. Preserve a copy of the 911 tape involving the original call for assistance, as needed;
    - d. Interview/re-interview witnesses, as necessary;
    - e. Contact the victim to inform him/her of the status of the case and the intended referral to the District Attorney;
    - f. Obtain photographs of injuries to the victim (irrespective of whether photos were taken by the responding deputy);
    - g. Record name, address, and phone number of two close friends or relatives of the victim who will know the victim's whereabouts 6-12 months from the time of the incident;
    - h. Conduct a complete CJIC, CII history of the suspect and attach it to the investigator's report.
  2. Follow-up investigation shall not consider the desire of the victim to “drop” charges in assessing whether the case should be submitted to the District Attorney's Domestic Violence Unit.

3. Investigative personnel handling domestic violence cases should analyze each domestic violence case by asking the following questions:
- a. Can the elements of the offense be established without the testimony of the victim?
    - i. If the answer is “yes,” the case should be submitted to the District Attorney for review, irrespective of the wishes of the victim.
    - ii. If the answer is “no,” the next question should be considered.
  - b. Will the victim come to court and tell the truth if subpoenaed to do so by the District Attorney?
    - i. If the answer is “yes,” the case should be submitted to the District Attorney for review.
    - ii. If the answer is “no,” can further investigation locate additional witnesses or evidence which would allow prosecution without a cooperative victim, such as:
      - witness statements;
      - prior inconsistent statements;
      - physical evidence;
      - content of 911 tape;
      - circumstantial evidence;
      - defendant's statements.If so, the evidence should be obtained and the case should be submitted to the District Attorney.

If not, the case need not be submitted, but should be filed with Records pursuant to Penal Code Section 13700 et seq.
4. Under no circumstances should a victim be asked if he/she wishes to “press charges” or “drop charges.” Investigative personnel should not ask a victim if he/she wants to “prosecute” his/her partner. The focus of the investigative follow-up should be on the questions contained above in section 3 and the victim should be informed that the decision to proceed is out of his/her control.

5. Deputies arriving at a medical facility in response to a phone call or report made by a medical professional shall prepare a Domestic Violence Incident Report irrespective of the wishes of the victim.

#### **ENFORCEMENT OF RESTRAINING ORDERS**

- A. Domestic violence restraining orders will be enforced by all law enforcement officers. Under Penal Code Section 273.6 (a), it is a misdemeanor to intentionally and knowingly violate any of the protective orders issued pursuant to the Uniform Parentage Act, Family Code, the Domestic Violence Prevention Act, the Workplace Violence Safety Act or the Civil Harassment Prevention Act. Penal Code Section 273.6 (d) makes it a felony to violate a restraining order, with violence or threat of violence, after suffering a prior conviction for violation of Penal Code Section 273.6 within 7 years. The elements of the crime require willful disobedience of the terms of the order. Proof of Service shows that the suspect has the needed knowledge to be in violation of the order. Verbal notice by the deputy of the terms of the Order is sufficient notice for the purpose of Section 273.6 PC (Family Code Section 6383(e)). Each Agency shall ensure the original Proof of Service is filed with the court issuing the order and a copy retained with the police report.

Note: The terms and conditions of the restraining order remain enforceable, in spite of the acts of the victim or suspect, and may be changed only by order of the court.

Penal Code Section 273.6 shall apply to the following orders:

1. An order enjoining any party from directly or indirectly contacting, telephoning, contacting repeatedly by mail with the intent to harass, molesting, attacking, striking, threatening, stalking, sexually assaulting, battering, harassing, or disturbing the peace of the other party or other named family and household member.
  2. An order excluding one party from the family dwelling or the dwelling of the other party or other named family and household member.
  3. An order enjoining a party from specified behavior which the court determined was necessary to effectuate the orders.
- B. Stay Away Orders are typically ordered in domestic violence cases as a condition of a supervised own-recognition release and will be enforced by all law enforcement officers. Pretrial Services enters a teletype of the Stay Away Order into the SLETS System, which forwards the order to pertinent police agencies. This order is valid until the order is terminated or modified, at which time police agencies are once again notified via the SLETS System by Pretrial Services. Pretrial Services also takes responsibility for victim notification. Information in support of the need for a Stay Away Order should be included by the deputy in the Probable Cause Affidavit.

- C. Deputies shall make arrests for any violations under the above sections that they observe. A victim still retains his/her right to make a private person's arrest. A misdemeanor warrantless arrest shall be made absent exigent circumstances if a deputy has reasonable cause to believe that the person violated a restraining order outside his/her presence (836(c)(1) PC), (13701 P.C).
- D. If, at the scene of a domestic disturbance a person shows or informs the deputy of the existence of a restraining order, it is crucial to establish the present status and terms of the order. Pursuant to Penal Code Section 13710, each Law Enforcement Agency shall maintain a complete and systematic record of all protection orders with respect to domestic violence incidents. These records shall include orders which have not yet been served, orders issued pursuant to Penal Code section 136.2, restraining orders, and proofs of service in effect. This shall be used to inform law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of protection orders in effect. All civil restraining orders are in the statewide registry available to all law enforcement.
1. Upon request, law enforcement agencies shall serve the party to be restrained at the scene of a domestic violence incident or at any time the party is in custody. Once the order is served, an arrest may be made if the suspect refuses to comply with the terms of the order.
  2. If the deputy cannot verify the order, it may be enforced through a private person's arrest procedure. If it is the deputy's opinion that the elements of the crime do not exist, the deputy may then consider a release per Penal Code Section 849(b).
  3. If a Restraining Order violation has occurred and the suspect is not present, the deputy will submit a crime report of the appropriate violation and the deputy will attempt to locate the suspect and arrest pursuant to Section 836(c) PC.  
  
Under no circumstances shall a deputy fail to prepare a crime report on a restraining order violation simply because the suspect is no longer present.
  4. A restraining order issued in a criminal case of domestic violence has precedence over any conflicting civil orders affecting the parties. (Penal Code Section 136.2(h)(2)).
- E. When responding to any domestic violence incident, a deputy shall advise the victim of the availability of an Emergency Protective Restraining Order (EPRO) and civil restraining orders in every case even if the suspect is arrested and in non-criminal situations where the victim is fearful. The deputy is required to request the protective order if the deputy believes the person requesting the order is in immediate and present danger..



1. In arrest situations, the following procedures should be implemented:
  - a. When a person is arrested based upon an allegation of a recent incident of abuse or threat of abuse and the deputy can assert reasonable grounds to believe that a person is in immediate and present danger of domestic violence, or child abuse, or where a child is in immediate and present danger of being abducted by a parent or relative, which would require restraint if the defendant were to be released from custody (e.g., bail, OR, 849, or no PC found), then the deputy shall be required to explain the EPRO to the victim and ascertain if the victim desires one. In extraordinary circumstances where the deputy fears for the safety of the victim, but the victim does not desire an EPRO, an investigating officer may request one on behalf of the victim.
  - b. If an EPRO is appropriate, the application should be completed. During normal court hours the deputy should call the Family Court at 299-8582 and ask to speak to the Supervising Judge. If no answer, call 299-7365 or 299-8523 and ask for a judicial officer. During nighttime hours, weekends, and holidays the deputy should call County Communications at 299-2501 and ask for the Duty Judge to call back. The deputy should leave the phone number where he/she can be reached. If the Duty Judge is not available, the deputy should ask to speak to another Judge.
    - (1) Deputies should be advised that EPROs are not provided at the Jail nor is a Stay Away Order automatically issued. A deputy should not request a Stay Away Order or an EPRO on the probable cause affidavit. If he/she feels a restraint is required upon defendant's release, follow the EPRO procedures. In order to have a Stay Away Order initiated as a condition of Supervised OR, at the time of booking, information in support of the need for restraint should be included in the probable cause affidavit, not requested on the form.
    - (2) The functions of each order do not necessarily overlap. The Supervised Own Recognizance Order provides a mechanism for supervision of a criminal defendant including ensuring court appearances, and it often includes drug and weapon conditions. The EPRO provides the victim with a way to enter the Civil Justice System with protection already in place.
    - (3) **Law Enforcement is authorized to request the immediate surrender of firearms when a person is served with a domestic violence protective order, rather than having to wait 24 hours for the person to self-surrender the firearms.**

2. In a non-arrest situation where an EPRO is desired, the deputy should complete an application and contact the Duty Judge or Family Court for evaluation and issuance of the EPRO.
  3. If issued, EPRO legislation requires a deputy to make a reasonable attempt to serve the restrained party. If he or she is present or can be readily contacted, serve the order and complete the Proof of Service on the form. Give the restrained person's (canary) copies to him or her. Document whether and how the order was served in the police report.
  4. Once an EPRO is issued, it is the responsibility of the police agency to promptly file the EPRO with the Family Court at 170 Park Center Plaza, San Jose, California 95113.
  5. A judicial officer may issue an EPRO if a peace officer asserts reasonable grounds to believe that a person is stalking another person as defined in PC 646.9 (authority 646.91).
- F. Deputies shall enforce out-of-state protective or restraining orders that are presented to them if:
1. The orders appear valid on their face.
  2. Contain both parties' names.
  3. Has not yet expired.

(Full Faith and Credit Provision of the Violence Against Women Act, Family Code 6380.5)

Deputies should check CLETS to determine if the order has been registered in California. If the order is not registered, an attempt should be made to contact the foreign jurisdiction or its registry for confirmation of validity. If validation cannot be substantiated, the deputy can contact the Duty Judge for an EPRO, but the out-of-state protective or restraining order must still be enforced if it meets the above criteria. If not registered in California parties should be advised to immediately register the order through the Family Court.

#### **VICTIM ASSISTANCE**

- A. If a victim has injuries, visible or not, which require medical attention, deputies shall administer first aid, as appropriate, and offer to arrange for proper medical treatment.
- B. When a party in a domestic violence incident requests police assistance in removing a reasonable amount of personal property (e.g., a suitcase) to another location, deputies shall stand by a reasonable amount of time until the party has safely done so.

**C. In all domestic violence incidents, a deputy shall:**

- 1.** Assist in making arrangements to transport the victim to an alternate shelter if the victim expresses a concern for safety or the deputy determines a need exists.
- 2.** Explain options available to the victim including the private person's arrest process, temporary restraining orders, Emergency Protective Restraining Orders, and in cases of arrest, the follow-up procedures and ensuing criminal proceedings.
- 3.** Advise the victim of available community resources and the State Victim Assistance Program. (This includes the victim of an alleged battery or corporal injury to a domestic partner). Pursuant to Penal Code Section 13701, deputies shall furnish victims with a "Victims of Domestic Violence Card" which includes the toll free number for the California Victims' Compensation Program. The card shall include the names and phone numbers of shelters or counseling centers, and state that domestic violence or assault by a person who is known to the victim or who is the spouse of the victim is a crime. The card will also include an explanation of the Santa Clara County Victim Notification Service.
- 4.** Verify and enforce court issued protective orders pursuant to this protocol.
- 5.** Exercise reasonable care for the safety of the deputies and parties involved. No provision of this instruction shall supersede that responsibility.

**MILITARY SUSPECTS**

- A.** All domestic violence incidents involving military suspects shall be handled according to this law enforcement protocol if:
  - 1.** The incident occurred outside the boundaries of a military facility; or the Sheriff's Office is responsible for law enforcement on the military facility, and
  - 2.** Local law enforcement agencies are called to assist in handling such an incident.
- B.** The intent of this policy is to eliminate all informal referrals, diversions, or report taking omissions in the handling of domestic violence incidents involving military personnel.
- C.** No informal agreements with military police or a suspect's commanding officer shall take precedence over a suspect's arrest and prosecution by the non-military authorities.

**LAW ENFORCEMENT SUSPECTS**

- A.** All domestic violence incidents involving law enforcement suspects shall be handled according to this law enforcement protocol. Any deputy investigating an alleged incident of domestic violence involving a law enforcement suspect shall have an on-duty

supervisor notified as soon as possible. The investigation agency shall notify the employing agency as soon as possible after the incident or initial report. All alleged incidents of domestic violence involving suspects who are employed as peace officers will be reviewed by the District Attorney's Office. All reports and information regarding suspects who are employed as peace officers shall be delivered to the suspect's law enforcement employer as soon as practical at the completion of the investigation.

The investigation agency shall contact local domestic violence agencies for assistance when referring the victim to an advocate trained in working with victims of domestic violence perpetrated by law enforcement suspects.

### **TRAINING**

- A. Each law enforcement agency shall conduct mandated domestic violence training for members of the agency per 13519(b) PC and 13730 PC.
- B. The goals of the training are to inform deputies of:
  - 1. The domestic violence laws;
  - 2. The Sheriff's Office's domestic violence policy and procedures;
  - 3. The dynamics of domestic violence;
  - 4. Peace officer investigative techniques; and
  - 5. District Attorney Domestic Violence Unit policies.
- C. Additional training should include written bulletins, videotapes, verbal reminders, and updates during patrol briefings.
- D. The Sheriff, or his/her designee, shall ensure the review of the Sheriff's Office's training policies annually and make any revisions deemed necessary.



**LAURIE SMITH  
SHERIFF**



## **BODILY INTRUSION SEARCH PROCEDURE GENERAL ORDER # 17.11**

Adopted: 07/07/2010

Updated: 02/22/2010

Replaces: G.O. # 17.11 dated 07/01/04

Reviewed: 02/22/2010

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### **POLICY**

Recovering evidence from the person or body of a suspect or other person constitutes a search and seizure. This includes bodily intrusion searches for items which may in and of themselves constitute evidence of a crime, or blood, which may be relevant to the prosecution of the crime for which the suspect has been arrested. While we recognize the need to obtain evidence through bodily intrusion searches, it shall be the policy of this agency to obtain evidence in the least intrusive means whenever possible. Deputies shall make every effort to obtain consent or acquiescence to the search prior to initiating any type of non-consensual search for evidence.

While investigating DUI events, employees of the Sheriff's Office shall comply with California State Vehicle Code Sections 23612, 13353, (implied consent law). Employees are cautioned about resorting to the use of force in Misdemeanor DUI cases, and advised that the use of force to obtain a blood sample where the law already prescribes a penalty for refusing to consent or acquiesce is inappropriate absent exigent circumstances.

### **Warrantless Blood Seizure**

Absent consent by the suspect, any search and seizure of blood from a suspect's body must be authorized by a search warrant or court order unless all of the following circumstances exist:

1. The person is in custody pursuant to a valid arrest for a crime in which the existence of alcohol or drugs in the bloodstream would be relevant.
2. There is probable cause to believe that the suspect is under the influence of drugs or alcohol.

3. It reasonably appears that any delay in completing the seizure would result in the loss of the evidence.
4. The search is effected at or near the time the offense was committed.
5. The blood is drawn by trained professional medical personnel in accordance with accepted medical practices.

### **Warrantless Bodily Intrusion Searches**

Absent consent by the suspect, any search for items of evidence which may be secreted inside a suspect's body must be authorized by a valid search warrant or court order unless the following circumstances exist:

1. The person is in custody pursuant to a valid arrest.
2. There is probable cause to believe the search would result in the discovery of evidence of a crime.
3. It reasonably appears that any delay in completing the search would result in the loss of the evidence.
4. The search is effected close in time to the offense.
5. The evidence is removed from the suspect's body by trained professional medical personnel in accordance with acceptable medical practices.

### **Blood Typing/DNA Testing**

Due to the fact that a delay in completing the search will not result in a loss of evidence, the seizure of a blood sample for "typing" or "DNA" testing requires either the consent of the person tested or a search warrant.

1. If a suspect consents to the search, their consent shall be documented in the occurrence report or on a Consent to Search Waiver form.
2. If the suspect refuses to give consent, a search warrant may be obtained through the District Attorney's Office during business hours or from the on-call District Attorney after business hours.
3. Nighttime service of search warrants (between 10 p.m. and 7 a.m.) for blood typing or DNA testing shall not be authorized.

## **PROCEDURE**

- A. A felony or misdemeanor, without any additional factors, is not sufficient reason to seize blood or complete any other type of bodily intrusion search.
- B. Deputies must be able to articulate the probable cause for the search, and shall document those reasons in the occurrence report.
- C. Deputies will make every effort to obtain the suspect's consent or acquiescence prior to completing any type of bodily intrusion search. However, consent is not required where submission to the seizure of a specimen is implied by law.
- D. If the arresting deputy determines that the policy standards for a warrantless seizure are met, the deputy may obtain the evidence without consent in accordance with subsections E, F and G of this General Order.
- E. Searches for the retrieval of evidence pursuant to this order shall be completed at either the Alcohol Investigation Bureau (A.I.B.), Sheriff's Office Interview Rooms, or at a licensed Medical Facility. Other locations may be approved by the on-duty supervisor or medical personnel if they are sanitary and the conditions will not expose the suspect, the deputies, or the medical personnel to a risk of contamination, infection or injury.
- F. If the suspect refuses to voluntarily submit to a valid bodily intrusion search, and there is a basis under this policy for completing the search and seizure without consent, deputies shall employ the following procedure:
  - 1. The deputy will explain to the suspect that his or her refusal to voluntarily submit to the search will be documented in the occurrence report, along with the fact that it was necessary to physically restrain the suspect in order to complete the seizure.
  - 2. The Deputy will contact his immediate supervisor and advise him or her of the refusal, and request permission to complete the seizure.
  - 3. If the suspect continues to refuse to consent or acquiesce to the seizure after the deputy has obtained authorization from their immediate supervisor, the deputy will request assistance from a second officer and will not attempt to complete the seizure until the second officer/deputy arrives and is able to assist.
  - 4. The deputy will use the minimum amount of force necessary to complete the seizure, keeping in mind that by law we may only use that degree of force, which is necessary to overcome resistance to the process.

5. If the suspect becomes combative during any portion of the process, and the deputy, the medical technician, or the supervisor believes that the seizure cannot be completed without exposing the suspect or the others present to undue risk of injury, the deputy shall stop the process and note the circumstances in the occurrence report.
  6. If force is necessary to complete the blood draw process, the deputy shall ensure that all force used, by both the deputy and the suspect, is documented in the occurrence report. The report shall include the facts necessitating the forced blood extraction, along with the resistive conduct of the suspect and the type of force used to overcome the resistance.
- G. If a suspect is unable to consent due to being unconscious, or is unable for any other reason to give consent, the deputy may obtain the evidence if probable cause exists for completing a seizure without a warrant or court order subject to approval of the attending medical personnel.
- H. Exemptions: Hemophiliacs and people using anticoagulants under the direction of a physician are exempt from bodily intrusion searches.



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**LAURIE SMITH**  
**SHERIFF**





## **CIVIL PROCESS SERVICE AND FEES GENERAL ORDER #18.00**

Adopted: 07/07/2010

Replaces: G.O. #18.00 dated 1/10/02

Updated: 02/22/2010

Reviewed: 02/22/2010

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### **POLICY**

State and federal civil process shall be served and executed in accordance with law.

#### **A. SERVICE OF CIVIL PROCESS ON SHERIFF'S OFFICE EMPLOYEES**

##### **1. Service in state civil lawsuits**

- a.** Personal service requires delivery to the defendant personally or to the defendant's agent authorized to accept service on behalf of the defendant. Personal service is complete at the time of delivery. The time to respond begins at that moment.
- b.** Service by mail is also permitted in California. A defendant must be mailed a copy of the summons and complaint, two copies of the notice and acknowledgement, and a return envelope. If service is not acknowledged within 20 days, the defendant may be held liable for extra expenses incurred.
- c.** Substitute service is a combination of personal service and service by mail. It involves the delivery of the summons and complaint to the defendant or his or her agent personally and mailing a copy as well. Substitute service is limited by a number of factors, including:
  - 1.** The Sheriff's Office will not accept substitute service for the County.
  - 2.** Completion of substitute service occurs only when copies of the documents served are mailed to the party being served.

2. Service in federal civil lawsuits

- a. Federal Rule of Civil Procedure 4(c) provides that service may be provided pursuant to the laws of the state in which the district court is held or by mailing a copy of the summons and complaint to the person to be served together with a notice and acknowledgment of service. Most federal suits are served on the defendant by mail.
- b. If service is not acknowledged within 20 days following service, the court may order the defendant to pay the costs of personal service. Defendants have 20 days after acknowledging service in which to answer, file a motion to dismiss or take other appropriate action.
- c. Accepting federal and state civil process
  - 1. Personal service is authorized provided the deputy or employee being served is available for personal service at the time the attempt is made.
    - a. If the deputy/employee is not available at the time of attempted service, the person attempting to serve the process shall be directed to return at a favorable time.
    - b. Valid legal procedure insists upon the conditions in subtopic (a) above.
  - 2. If service is made by substitute service, the immediate supervisor of the deputy/employee being served can receive the summons and complaint.
    - a. The supervisor accepting the substitute process shall make it clear to the person serving the process that personal service is not being accepted or acknowledged, only substitute service.
    - b. Personal service must answer within 30 days.
    - c. Substitute service must answer within 40 days.
  - 3. Upon receiving a summons and complaint by either personal or substitute service, the document(s) received shall be delivered immediately to the county counsel.

3. Procedure upon receipt follows:
  - a. Do not sign the acknowledgment form, forward the unsigned acknowledgment along with the document(s) to the county counsel.
  - b. Employees who do not wish that the county counsel provide defense are directed to forward a copy of the document(s) directly to the county counsel.
  - c. Significant complaints are to be hand-delivered to the county counsel on the same day received.
  - d. Forward copies of all document served to the division commander.
4. Note: civil process served on the county is not to be accepted at the sheriff's office. Such service requires leaving a copy of the summons and complaint in the office of the person authorized to be served on behalf of the entity -- the clerk of the board of supervisors.

**B. Civil subpoenas**

- a. Procedure regarding civil subpoenas for deputies or other Sheriff's Office personnel
  1. Whenever a sheriff/deputy sheriff is required to witness before any court or tribunal, or to appear for the taking of a deposition, in any civil action or proceeding in connection with matters regarding an event or transaction which a deputy perceived or investigated in the course of their duties, a subpoena requiring a deputy's attendance may be served by delivering a copy either to the deputy personally or to the deputy's immediate supervisor.
  2. No attendance as a witness under the above is required outside of the residing state of the witness.
  3. If service is made on the immediate supervisor as in topic 1 above, that person is to accept service and immediately notify the witness deputy. If, at the time of service the supervisor believes they will encounter difficulty, or be unable to notify the deputy as above, they are to so advise the server of the subpoena, and may refuse to accept service.
  3. If the supervisor accept service and is subsequently unable to notify the deputy, they are to notify the person or attorney listed on the subpoena that contact with the deputy was not feasible, and to provide reason for the incomplete service. If neither party can be contacted, the court shall be notified accordingly.

4. If the witness deputy cannot appear for reasons beyond their control, the deputy shall notify the person or attorney listed on the document, or contact the court/tribunal of their inability to appear, and state the reason(s).
5. The witness deputy may arrange with the person or attorney listed on the subpoena to appear at an alternate time or on the basis of some notice both parties can agree upon.

Any such agreement is to be as specified as possible, thereby eliminating any probability of misunderstanding or party-unavailability which may result in a contempt of court judgment.

b. Procedure regarding civil witness fees for deputies

1. The person requesting service of a subpoena for a sheriff or deputy sheriff is required to deposit \$150.00 with the sheriff's civil section before the service of the subpoena. The same amount must also be deposited for each subsequent day the sheriff/deputy is to appear as a witness.
2. The court may, for sufficient reason, waive the requirement for a second (or subsequent) \$150.00 deposit.
3. Any person who pays or offers to pay any money or other form of enumerations for the services of any sheriff/deputy sheriff, and any sheriff/deputy sheriff who asks or receives and such enumerations, except as stated herein, is guilty of a misdemeanor.

c. Procedure regarding receipts -- subpoena fees

1. Upon receipt, the civil section shall issue a paper receipt, including the following information:
  - a. Name and address of party paying the fee.
  - b. Check/draft number
  - c. Case number of the incident.
2. Use only an official Santa Clara County receipt for all transactions of this nature.
  - a. must be complete in triplicate.
3. All used receipt books are to be forwarded to the fiscal office. Order new receipt books via Sheriff's Office fiscal requisition.
4. All fees collected shall be deposited with the county treasurer using a regular county affidavit and record of deposit to account for each deposit.

- a. File the goldenrod copy with the fiscal office.
  - b. Civil section retains the green copy for periodic audit and reconciliation.
  - c. The account coding in the affidavit is as follows:
    - (1) t/c-119 index-3929 rsbj-6979 rd-01 fund-0001
    - (2) description: civil subpoena fees.
  5. Forward the original and one copy of both the receipt and subpoena to the deputy's division commander for personal service.
- d. Procedure regarding payment refund on claims
1. Requires that the party requesting the subpoena, and officer's appearance, submit a letter directing that the subpoena be released and that all revenues be refunded.
  2. The division/section and/or officers receiving such a letter shall forward the request to the civil service for refund.
  3. The refunding process requires completion of a blue claim form and submitting the form to the county controller, who in turn will issue a county warrant to the party making the request.
  4. The letter of instructions must contain the name and address of the party requesting the refund.
- e. Procedure regarding the appearance of the deputy
1. Before appearing, the witness deputy is to make their supervisors aware of their appearance.
  2. Deputies are to be on time for their appearance, prepared to testify, and bring all subpoena document or records to the hearing.
  3. Take a "true" copy of the original record, do not take the original record to avoid submittal into evidence at court -- the original must be maintained and submitted to county records. Further, it is strongly recommended that the attorney requesting the subpoena be contacted prior to the hearing it may save a personal appearance if sufficient information can be obtained via the telephone.

4. Travel to and from the appearance, except in rare circumstances, is to be by Sheriff's official vehicle, thereby reducing liability factors. Travel by other means by prior division commander approval only.

A handwritten signature in cursive script, appearing to read "Laurie Smith".

**LAURIE SMITH**  
**SHERIFF**



## **ASSET FORFEITURE GENERAL ORDER #18.01**

Adopted: 07/07/2010  
Replaces: G.O. #18.01 dated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

The process of taking or forfeiting property is a civil proceeding in which there is a criminal filing. In California state asset forfeiture cases, the court in the county in which the property is located has jurisdiction. The Sheriff's Office will promote the uniform and proper use of the provisions of the law pertaining to asset seizure.

### **PROCEDURE**

#### **A. DEFINITION**

Forfeiture is the taking by the government of property which is illegally used or obtained without compensating the owner.

#### **B. TYPES OF FORFEITURE**

1. An administrative forfeiture exists when the asset is seized and no petitions have been filed by any claimants or owners and the property is forfeited by administrative paperwork. This results in a forfeiture order by the Superior Court.
2. A judicial forfeiture is when claims are made to regain control of the property and petitions are filed with the Superior Court. A hearing is conducted to ascertain the facts of the case and determine if the property is subject to forfeiture. This may again result in a forfeiture order by the Superior Court.

#### **C. STATE AND FEDERAL ASSET FORFEITURE**

1. Under most circumstances, asset forfeiture seizures conducted by the Sheriff's Office are based on California state law. Under some circumstances; however, asset forfeiture seizures may also be conducted pursuant to federal law. The federal agencies participating in the United States Department of Justice Forfeiture Program are: Federal Bureau of Investigation, Drug Enforcement Administration, Immigration and Customs Enforcement, United States Park Police, United States Marshals Service, United States Attorneys' Offices, Criminal Division, and United States Postal Inspection Service.
2. The Sheriff's Office, as a local law enforcement agency, can participate in the federal "equitable sharing program" for asset forfeiture seizures in two ways:
  - a. Sharing forfeiture proceeds based on seizures pursuant to a joint investigation conducted by the Sheriff's Office and a federal agency; or
  - b. The Sheriff's Office, having seized property, may request that a specified federal agency adopt the seizure and proceed with federal forfeiture. Federal agencies may adopt such seized property for federal forfeiture where the conduct giving rise to the seizure is in violation of federal law and federal law provides for forfeiture. The Sheriff's Office has 30 days from the date the property was originally seized to request a federal adoption, unless a waiver is approved based on exceptional circumstances justifying the delay.

**D. PROPERTY SUBJECT TO SEIZURE:**

Health and Safety Code Section 11470 defines the property and conditions which are subject to forfeiture under California law. These include:

1. All controlled substances which have been manufactured, distributed, dispensed or acquired in violation of the law.
2. All raw materials or equipment of any kind which are used, intended to be used in manufacturing, processing, delivering, importing or exporting any controlled substance in violation of the law.
3. All property except real property or a boat, airplane, or any vehicle which is used, or intended for use, as a container for controlled substances in violation of the law.
4. All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of the law. The community property interest of a



5. The interest of any registered owner of a boat, airplane, or any vehicle other than an implement of husbandry which has been used as an instrument to facilitate the manufacture of, or possession for sale or sale of certain quantities of drugs. The community property interest of a non-defendant in a class C, M1, or M2 vehicle, which is the sole class c. M1 or M2 vehicle available to the defendant's immediate family, prevents forfeiture of the entire vehicle.
6. All money, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, all proceeds traceable to such an exchange, and all monies, negotiable instruments, or securities used or intended to be used to facilitate any violation of Health and Safety Code sections 11351, 11351.5, 11352, 11355, 11359, 11360, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11382, 94 11383 or Penal Code Section 182, or a felony violation of Health and Safety Code Section 11366.8, insofar as the offense involves manufacture, sale, possession for sale, offer for sale, or offer to manufacture, if the exchange, violation, or other conduct which is the basis for the forfeiture occurred within five years of the seizure of the property, or the filing of a petition under the law, or the issuance of an order or forfeiture of the property, whichever comes first.
  - a. The "Exchange Theory" permits forfeiture of all money, negotiable instruments, securities, or other things of value furnished or intended to be furnished by a person in exchange for a controlled substance.
  - b. The "Proceeds Traceable to an Exchange Theory" permits forfeiture of all proceeds traceable to an exchange mentioned in the above theory.
  - c. The "Facilitation Theory" allows forfeiture of all money, negotiable instruments or securities used or intended to be used to facilitate any violation of the listed code sections.
7. The real property of any property owner who is convicted of violating Health and Safety Code sections 11366, 11366.5, or 11366.6 with respect to that property. This does not apply to property which is used as a family residence, or for other lawful purposes, or which is owned by two or more persons, one of whom had no knowledge of its unlawful use.

**E. CONSTITUTIONAL CONSIDERATIONS**

Although the processes previously described are civil in nature, the course of conduct requiring police intervention is usually criminal in nature. Careful consideration must first be given to the criminal case with secondary considerations given to the forfeiture case. However, critical

evidence may be developed during the investigation to enhance the forfeiture case merely by documenting the statements and actions of the defendant regarding the seized property.

1. Fourth Amendment Concerns. A warrant is not required to seize property subject to forfeiture; however, the Fourth Amendment does require that any such seizure be reasonable, i.e., that the seizing officer has reasonable cause to believe the property is subject to forfeiture. This means that a deputy should conduct his or her investigation in an equivalent manner to that of an arrest in a public place or seizing evidence in plain view. He or she must be legally on the premises and must have probable cause to believe the property is subject to forfeiture. Care should be exercised in conducting the search of property which otherwise has been lawfully seized for forfeiture. In the case of parked/stored vehicles or residences "seized" for forfeiture, a warrant should be obtained prior to a search of its contents.
2. Eighth Amendment Concerns. The Eighth Amendment to the United States Constitution prohibits excessive fines. The United States Supreme Court has interpreted this provision to prohibit asset forfeiture if the amount of the forfeiture is "grossly disproportionate" to the gravity of a defendant's offense.

**F. AUTHORIZATION**

1. Watch commanders or division captains must authorize the seizure of all property for asset forfeiture. Consideration should be given to the type of property and the possibility of long term maintenance or retention of it.
2. Supervisors must ensure that proper authorization has been obtained from the watch commander or captain to seize the property. Supervisors will review all asset seizure cases and ensure that they meet the proper criteria for forfeiture and are routed to the proper investigator for assignment.
3. Deputies and Investigators will ensure that proper authorization is obtained from the on-duty watch commander or division captain prior to the seizure of any property. All property must be handled as evidence and all evidence handling procedures followed. Proper documentation shall be made in the incident report (IR) and procedures outlined in this General Order shall be followed. Investigators assigned these cases will ensure that the case is presented to the Asset Forfeiture Unit of the District Attorney's Office for a case review and complaint.

**G. PROPERTY**

Property seized will be documented the same as evidence and will be logged into evidence. Thorough inventories shall be conducted. Proper care must be taken with fragile or expensive property. Property seized must be able to be returned in the same condition as it was seized

should the need arise. Fragile items which have been seized should be photographed to depict the integrity of the property at the time of seizure.

#### **H. NOTICE**

Notice of Seizure and Proof of Service Forms should be completed at the time of the seizure. These should be given only to the owner of the property, the person in possession if the owner is unavailable or left in a conspicuous place if nobody is present. An approximate value must be given based on the deputy's valuation at the time of seizure per the statute. The property may then be seized.

#### **I. DOCUMENTATION**

1. Asset Forfeiture/Criminal Case. Most reports of Asset Forfeiture will be initiated from a criminal case. The criminal portion of the case shall be documented exactly the same as any other standard criminal cases, in order to reduce duplication, just check the block at the top of the face sheet indicating additional related cases and note "Asset Case".
2. Asset Forfeiture/Non-Criminal. Under most circumstances, asset forfeiture seizure cases will involve a criminal case and, under the Health and Safety Code some forfeitures require a criminal conviction. There may, however, be occasions when an asset forfeiture will be initiated from a non-criminal case. This may occur when property becomes subject to seizure and the person in possession is not arrested or involved in a criminal case. Therefore, an incident report (IR) will need to be initiated utilizing the classification of: Asset Forfeiture/Non-criminal. These cases will require all the normal case forms utilized in any criminal case and the Asset Forfeiture Case Form. The only difference is there may not be any booking sheets attached or criminal violations annotated.
3. General Overview. When cases are documented for asset forfeiture the only difference is the Asset Forfeiture Case Form will begin documentation of this portion of the case. the Notice of Seizure/Proof of Service Form should also be attached when applicable. Otherwise, these cases are written the same as any case, such as incident report (IR) face sheet, suspect sheet, property record, additional narrative, CHP 180, vehicle waivers, and copies of computer print-outs.

#### **J. DISTRIBUTION OF ASSETS**

1. Property. Property seized will be secured and maintained by the Sheriff's Office until the property has been forfeited by law. The sale of the property or retention of the property by the Sheriff's Office will be determined after forfeiture by the

District Attorney in the county where the property was seized. All property retained must be authorized by the Sheriff and utilized for those Sheriff's Office operations that are permitted pursuant to the Health and Safety Code or the federal equitable sharing program.

2. Funds. Forfeited funds are distributed according to statute by the District Attorney's Office in the county where the property was seized. Funds from the sale of seized property or funds actually seized shall be deposited with the District Attorney's Office (County Treasurer) when the case is presented for forfeiture. Upon forfeiture, the funds will be released by the District Attorney and placed into an account authorized by the county. These funds are not to be used to defer normal operating expenses of the Sheriff's Office, but utilized for special purchases or projects.

A handwritten signature in cursive script, appearing to read "Laurie Smith".

**LAURIE SMITH**  
**SHERIFF**



## **FIELD TRAINING PROGRAM GENERAL ORDER #19.00**

Adopted: 07/07/2010

Replaces: G.O. #19.00 dated 9/11/03

Updated: 02/22/2010

Reviewed: 02/22/2010

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### **POLICY**

All Sheriff's Office deputies will successfully complete the Sheriff's Office field training program, subject to the exceptions listed in Section D of this general Order.

### **PROCEDURE**

- (A) Headquarters Patrol Division staff will administer the field-training program, and ensure that the program maintains its current P.O.S.T. accreditation.
- (B) The field-training program will include remediation when appropriate, however, no employee may stay in the field-training program for more than 680 hours. Any employee who does not complete the program within the 680 hour time frame shall be considered to have failed the program.
- (C) Failure to complete the field-training program shall result in termination from employment with the Sheriff's Office, or restriction to service in the Court Services Division pursuant to Sections (E) or (F) of this Order.
- (D) The Sheriff's Office requires successful completion of the field-training program prior to regular assignment in any division or special unit. An exception has been granted to the Court Security Division for; (1) employees who had not completed the field-training program by July 1, 1999, (2) for employees who were assigned to the Court Security Division as Deputy Sheriff 1's on or before June 10, 2001, and (3) for new hires who are awaiting the opportunity to work through the field training program.
- (E) Any deputy who fails to complete the field-training program for reasons beyond his or her control, (not related to performance or attitude) may petition the Sheriff in writing for permission to withdraw from the program and complete it at a later date. Permission may

be granted or denied based upon factors, which include the remaining length of the employee's probationary period, and the availability of future training slots.

- (F) A request to return to the Court Security Division after withdrawal from, or failure of, the Field Training Program may be granted only if; (1) the employee was employed by the Sheriff's Office and had not completed the field-training program by July 1, 1999, or (2) if the employee was assigned to the Court Security Division as a Deputy Sheriff 1 on or before June 10, 2001.
- (G) The Field Training Sergeant shall notify the Support Services Division at least two weeks prior to any employee completing the field-training program. The Support Services Division shall be responsible for assigning the newly trained personnel to vacant positions within the Sheriff's Office.

A handwritten signature in black ink, appearing to read "Laurie Smith", written in a cursive style.

**LAURIE SMITH**  
**SHERIFF**



## CANINE PROCEDURES GENERAL ORDER #19.01

Adopted: 07/07/2010

Updated: 02/22/2010

Replaces: G.O. #19.01 dated 09/26/2008

Revised: 02/22/2010

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### POLICY

The Canine Program was established to augment law enforcement services to the community. Highly skilled and trained teams of handlers and canines are used to supplement law enforcement operations to track, locate and apprehend criminal offenders.

When properly used, a Sheriff's Office canine increases the degree of safety to persons within a contained search area, enhances officer safety, significantly increases the likelihood of apprehension of a suspect, and reduces the amount of time necessary to conduct a search. Deployment of a canine when a bite occurs constitutes a use of force. **Canine units shall only deploy the canine as a use of force when it is reasonably necessary to utilize that level of force to apprehend or secure a suspect or to prevent escape, or as an alternative to the use of a higher level of force.**

### PROCEDURE

#### A. USE OF ENFORCEMENT CANINES

1. A canine may be used to track, locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:
  - a. There is a reasonable belief that the individual poses an immediate threat of violence or serious harm to the public, any officer/deputy, or the handler.
  - b. The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
  - c. The individual(s) is/are believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers/deputies or the public.
  - d. It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to

review the decision to use a canine in view of the totality of the circumstances.

2. Absent reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing officer(s)/deputy(ies) shall not serve as good cause for the use of a canine to apprehend an individual.
3. Canines used for tracking persons should remain on a leash of sufficient length to provide a reasonable measure of safety to the suspect of the search and to the deputy without compromising the canine teams tracking ability.
4. Canines may be used to locate missing persons, evidence of crimes, narcotics or destructive devices. Canines may also be utilized for controlling crowds, demonstrations and riot at the direction of the Sheriff or designee.

#### **B. PREPARATIONS FOR UTILIZING AN ENFORCEMENT CANINE**

1. Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or the supervisor on scene shall carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to the following:
  - a. The individual's age or estimate thereof;
  - b. The nature of the suspected offense;
  - c. Any potential danger to the public and/or other officers/deputies at the scene if the canine is released;
  - d. The degree of resistance or threatened resistance, if any, the subject has shown;
  - e. The potential for escape or flight if the canine is not utilized;
  - f. The potential for injury to officers/deputies or the public caused by the suspect if the canine is not utilized.
2. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision to deploy the dog shall remain with the handler; however a supervisor sufficiently apprised of the situation may decide whether or not to deploy the dog.

#### **C. WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE**

1. Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the person does not come forth, shall be made prior to releasing the canine. Where it is known to the deputy that the suspect(s) are not English speaking, the warning should be given in language that would be



understood, if possible. A reasonable amount of time shall be allowed for the suspect to respond. If practical, a final warning should be given prior to the deployment of the dog.

2. The canine handler, when practical, shall first advise the supervisor of their decision if a verbal warning is not given prior to releasing the canine. In the event of an apprehension, the handler shall document in any related report whether or not a verbal warning was given and, if none was given, the reasons why.

#### **D. USE OF NARCOTIC DETECTION CANINE**

1. A narcotic-detection-trained canine may be used in accordance with current law under the following circumstances:
  - a. To assist in the search for narcotics during a search warrant service;
  - b. To assist in obtaining a search warrant by using the detection canine in support of probable cause;
  - c. To search vehicles, building, bags, and any other articles deemed necessary.

#### **E. USE OF BOMB/EXPLOSIVE DETECTION CANINE**

1. Because of the high risk of danger to the public and officers/deputies when a bomb or other explosive device is suspected, the use of a trained explosive detection dog team may be warranted. When available, a trained explosive detection dog team may be used in accordance with current law and under the following circumstance:
  - a. To assist in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located;
  - b. To conduct preventative searches at locations such as special events, VIP visits, official buildings and other restricted areas;
  - c. To assist with searches at transportation facilities and vehicles (buses, airplanes and trains);
  - d. To assist in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.
2. Canines will generally be used for area searches. Not for confirmation of actual or suspected improvised explosive devices, incendiary devices, explosives, or suspicious package(s)/item(s). At no time will a detection dog be used to render a suspected device "safe" or "clear".

#### **F. GUIDELINES FOR NON-APPREHENSION USE**

1. Because canines have senses far superior to those of humans, they may often be effectively utilized to track or search for non-criminals (e.g. lost children, individuals who may be disoriented or in need of medical attention) or even suspects wanted for minor criminal offenses. In such circumstances, it will be necessary for the handler to evaluate the conditions and ability of the canine to determine the feasibility of such an application.
2. Absent a change in circumstances which presents an immediate threat to officers, the canine or the public, such applications should be conducted on leash or under such conditions that the canine will not bite or otherwise injure the individual, if located.
3. Throughout the deployment of the canine in such circumstances, the handler should give periodic verbal assurances that the canine will not bite or hurt the person.
4. Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.
5. Once the individual has been located, the canine should be placed in a down stay or otherwise secured as soon as it becomes reasonably practical.

#### **G. REPORTING USE OF CANINE**

1. Whenever and canine is deployed, a Canine Use Report shall be completed by the handler and turned in to the Canine Unit Coordinator before going off duty or as soon as practical.

#### **H. REPORTING CANINE BITES OR INJURIES**

1. If a bite or injury results from one of the departments canines, that information shall be documented on a Canine Use Report form and included in the incident narrative/ supplemental report. The report should include, at a minimum, the following:
  - a. The event number;
  - b. The date and time the incident occurred;
  - c. The type of injury;
  - d. Digital photographs of the bite or injury.
2. Whenever a bite results, the handler shall notify his supervisor immediately and the Animal Control Office as soon after the incident as practical.
3. If a subject alleges an injury that is not visible, notification shall be made to a supervisor and the location of the alleged injury should be digitally photographed.
4. In all instances, the handler shall summon a supervisor to the scene when a bite occurs on

or off-duty. The supervisor shall observe the injuries caused by the bite and shall prepare an ER detailing his or her observations.

5. If the injury requires medical attention, the subject should be transported to an appropriate medical facility. In the event an in-custody suspect requires medical attention, a deputy shall standby with the suspect until treatment has been rendered.

#### **I. REPORTING CANINE INJURIES**

1. In the event that a canine is injured, the injury will be immediately reported to his/her immediate supervisor.
2. Depending on the severity of the injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.
3. The injury will be documented on a Canine Use Report form.

#### **J. ASSIGNMENT AND MANAGEMENT OF CANINE TEAMS**

1. The canine teams may be assigned to various divisions throughout the Sheriff's Office, with day-to-day operational control under the responsibility of the particular division where assigned. The overall management of the canine teams will be the responsibility of the Canine Unit Coordinator, who is assigned to the Special Operations Division.

#### **K. REQUEST FOR USE OF CANINE TEAMS**

1. Requests made while the canine team is on duty;
  - a. Requests for the use of a canine should be made through the handler's immediate supervisor and/or the division command.
  - b. All requests shall be documented in a Canine Use Report and forwarded to the Canine Unit Coordinator.
2. Requests made for the canine while handler is off-duty;
  - a. If request is made within the division where the canine is assigned, the request shall go through the division command staff.
  - b. If request is for a canine from a different division, the request should be made to the handler's division command staff.
  - c. In all cases, the Canine Unit Coordinator should be notified as soon as practical.

**L. REQUESTS FOR ASSISTANCE FROM OTHER AGENCIES OUTSIDE SANTA CLARA COUNTY**

1. The Canine Unit Coordinator/Mutual Aid Coordinator must approve all requests for canine assistance from outside agencies subject to the following provisions:
  - a. Canine teams shall not be used to perform any assignment, which is not consistent with this policy;
  - b. Upon arrival at the scene, the handler has the ultimate decision as to whether or not the canine is to be used for a specific assignment;
  - c. Canine teams shall not be called out while off duty or used outside the County unless authorized by the Canine Unit Coordinator/Mutual Aid Coordinator;
  - d. Under exigent circumstances and in the event of an emergency, the response may be handled by the on duty sergeant.

**M. REQUEST FOR PUBLIC DEMONSTRATIONS**

1. Prior to making any commitments, all public requests for a canine team shall be approved by the Canine Unit Coordinator and the canine handler's division command staff.
2. Handlers shall not demonstrate any "apprehension" work to the public unless authorized to do so by the Canine Unit Coordinator.

**N. SELECTION OF CANINE HANDLERS**

1. The following are the minimum qualifications for the assignment of a canine handler:
  - a. Deputy must have successfully completed the FTO Program and have a minimum of two years of patrol experience at time of appointment;
  - b. Resides in an adequately fenced, single-family, residence with a minimum of a six-foot high fence with locking gates and room to support a dog kennel within the fenced yard;
  - c. Living within (60) minutes travel time from Headquarters Patrol (55 West Younger Avenue);
  - d. Deputy must successfully complete the Canine Handler's Qualification Course.

**O. SELECTION PROCESS**

1. Submit a written recommendation from two supervisors;

2. Pass a physical agility test;
3. Complete an oral panel interview.

Note: An Internal Affairs and personnel file review will be completed for all qualified applicants. Qualified applicants will be selected from the list after an administrative review.

**P. CANINE HANDLER RESPONSIBILITIES**

1. It is the responsibility of the Canine handlers to keep his or her dog in such physical condition that the canine is able to perform the duties required. Canine handlers shall be responsible for, but not limited to, the following:

**a. Availability**

- (1) Should a situation arise which requires the use of a Canine Team during off duty hours, the Canine Team who is contacted and determined to be available shall respond to the call.

**b. Care for the Canine and Equipment**

- (1) The handler shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions. The handler will be responsible for the following:

- (a) Handlers shall permit the Canine Unit Coordinator to conduct on-site inspections of affected areas of their residence, with reasonable notice, to verify that conditions and equipment conform to policy;
- (b) Any changes in the living status of the handler, which may affect the lodging or environment of the canine, shall be reported to the Canine Unit Coordinator as soon as possible, but in no case more than 48 hours;
- (c) Canine handlers are expected to have a secure kennel at their home;
- (d) The canine should be permitted to socialize in the home with the handler's family;
- (e) Under no circumstances will the canine be lodged at another location unless approved by the Canine Unit Coordinator;
- (f) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Canine Unit Coordinator;
- (g) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the

canine. In those situations, the handler shall give reasonable notice to the Canine Unit Coordinator so that appropriate arrangements can be made.

**Q. CANINES IN PUBLIC AREAS**

1. All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific law enforcement operations for which the canines are trained.
  - a. Canines shall not be left unattended in any area to which the public may have access.
  - b. When the canine unit is left unattended all windows and doors shall be secured.

**R. HANDLER COMPENSATION**

1. The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog as provided in the Fair Labor Standards Act. The compensation shall be prescribed in the employee's Memorandum of Understanding and shall be deemed as an appropriate level of compensation for the handler.

**S. MEDICAL CARE OF THE CANINE**

1. All medical attention administered to the canine shall be rendered by the designated canine veterinarian, except during an emergency as provided in Section "S.I.(b)" of this order.

**a. Non-Emergency Medical Care**

- (1) Non-emergency medical care will be coordinated through the Canine Unit Coordinator.
- (2) Any indication that a canine is not in good physical condition shall be reported to the Canine Unit Coordinator as soon as practical.
- (3) All records of medical treatment shall be maintained in the Special Operations divisional file.

**b. Emergency Medical Care**

- (1) The designated emergency medical treatment center or canine veterinarian shall render emergency medical treatment. The handler shall notify the Canine Unit Coordinator as soon as practical when emergency medical care is required.

**T. TRAINING**

1. Before assignment in the field, each canine team shall be trained and certified to meet

current POST standards or the California Narcotic Canine Association standards.

**U. CONTINUED TRAINING**

1. Each canine team shall thereafter be re-certified to POST canine standards and/or California Narcotic Canine Association standards (as applicable) on an annual basis. Additional training considerations are as follows:
  - a. Canine teams shall receive training as defined in current contract with the Department's canine training provider;
  - b. Canine handlers are encouraged to engage in additional training with approval of the Canine Unit Coordinator;
  - c. In order to ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to policies of the Santa Clara County Sheriff's Office;
  - d. All canine training shall be conducted while on-duty unless otherwise approved by the Canine Unit Coordinator.

**V. FAILURE TO SUCCESSFULLY COMPLETE P.O.S.T./CNCA TRAINING**

1. No canine team failing POST canine certification and/or California Narcotic Canine Association standards (as applicable) shall be deployed until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

**W. TRAINING RECORDS**

1. All canine training records shall be maintained by the Canine Coordinator in the Special Operations Division.

**X. CANINE UNIT COORDINATOR RESPONSIBILITIES**

1. The Canine Unit Coordinator shall be appointed by Command Staff, and shall supervise the Canine Program. The Canine Unit Coordinator is directly responsible to the Special Operations Division. The Unit Coordinator shall be responsible for, but not limited to, the following:
  - a. Maintain liaison with the vendor kennels;
  - b. Maintain liaison with the Administrative Staff and function supervisor(s);
  - c. Maintain liaison with other agency canine coordinators;
  - d. Maintain accurate records to document canine activities;

- e. Recommend and oversee the procurement of needed equipment and services for the unit;
- f. Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams;
- g. Provide an annual supplemental performance appraisal to all handlers' supervisor;
- h. Provide an annual canine report.

**Y. CONTROLLED SUBSTANCE TRAINING AIDS**

1. Controlled substance training aids are required to effectively train and maintain the department's drug detection dogs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.
2. Health and Safety Code 11367.5 provides that any sheriff, police chief, the Chief of the Bureau of Controlled Substances Enforcement, or the Commissioner of the California Highway Patrol, or a designee thereof, may, in his or her discretion, provide controlled substances in his or her possession for training purposes:
  - a. To any duly authorized peace officer or civilian drug detection canine trainer working under the direction of a law enforcement agency; and
  - b. Provided the controlled substance is no longer needed as criminal evidence; and
  - c. Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing canine drug detection training.
3. Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedure shall be strictly followed:
  - a. All necessary controlled substance training samples shall be acquired from the Department's evidence personnel or from allied agencies authorized by Health and Safety Code 11367.5, to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler;
  - b. The weight and test results shall be recorded and maintained by the Canine Unit Coordinator;



- c. Any person receiving controlled substance training samples pursuant to Health and Safety Code 11367.5, shall maintain custody and control of the controlled substances and shall keep records regarding loss of, or damage to, those controlled substances;
- d. All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the Canine Unit Coordinator, and included in the Special Operations quarterly report. The testing of the controlled substance will be conducted by the Canine Unit Coordinator and/or the Special Operations Lieutenant and/or Captain.
- e. Controlled substance training samples will be assigned to each Narcotics Canine Handler for training purposes.
- f. The assigned controlled substance training samples will be stored in a locked box within a locked cabinet inside the evidence room lobby (24-hour video surveillance) at Sheriff's Office Headquarters or in a locked cabinet inside the armory at the West Valley Station. Access into the cabinets and each sample case in the evidence room lobby and the armory at West Valley will be restricted to the Handler, Canine Unit Coordinator, and the Special Operations Administration through the assignment of keys. However, the handler will control the only key to his/her respective sample case.
- g. Canine Handlers may retrieve their assigned controlled substance training samples from either cabinet for purposes of conducting on-duty training. The samples will be returned back to either cabinet before going off duty, unless the Handler receives permission from the Canine Unit Coordinator and/or Special Operations Administration.
- h. The assigned controlled substance training samples shall be transported in secured cases, while on duty or to and from training, and safely secured in the Canine Handler's vehicle.
- i. The Canine Unit Coordinator shall periodically inspect every controlled substance training sample for damage and tampering and take any appropriate action.
- j. When an assigned controlled substance training sample becomes unusable, the assigned Canine Handler will complete and submit a report to the Canine Unit Coordinator for the destruction of the controlled substance training sample. Any unusable controlled substance training sample shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

## **Z. EXPLOSIVES TRAINING AIDS**

- 1. Explosive training aids shall be stored and transported in a safe and secure manner in accordance with ATF explosives guidelines.

2. Training aids shall be stored in an ATF-approved magazine.
3. Training aids that are taken from the explosive magazine and transported to off-site training locations shall be in at ATF-approved, locked and secure container.
4. Training aids shall be kept in approved containers and continually examined for stability and cross contamination.
5. Items found no longer serviceable will be removed by a Bomb Squad Technician and destroyed pursuant to EOD guidelines.

A handwritten signature in cursive script, appearing to read "Laurie Smith".

**LAURIE SMITH  
SHERIFF**



**VOLUNTARY RIDE-ALONG OBSERVERS PROGRAM /  
RIDE-ALONG WITH OTHER AGENCIES  
GENERAL ORDER #20.01**

Adopted: 07/07/2010

Updated: 02/22/2010

Replaces: G.O. #20.01 adopted 4/15/08

Reviewed: 02/22/2010

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**POLICY**

Civilians and peace officers will be allowed to ride-a-long in Sheriff's Office patrol vehicles. Deputies shall not allow members of the media or third parties who participate in the ride-along program to enter a home, or any potentially dangerous situation. Additionally, members of the media or third parties who participate in the ride-along program are not authorized to enter private property without the consent of the person in control of the property.

**PROCEDURE**

**A. ELIGIBILITY TO PARTICIPATE IN THE RIDE-ALONG PROGRAM**

1. Any person eighteen years of age or older is eligible to participate in the Sheriff's Office ride-along program provided he or she:
  - a. is able to provide photo identification at orientation and at the assigned station prior to the ride-along;
  - b. is not on probation, parole, an ex-felon, or a registered sex offender;
  - c. has attended the Sheriff's Office orientation (unless waived);
  - d. has not ridden with a Sheriff's Office patrol unit within the last six months (unless waived);
  - e. does not ride with a deputy that is an immediate family member as defined in the DSA MOU.

2. An active member of a Sheriff's youth program under the age of 18 also may participate in the ride-along program provided he or she is approved by the program leader and meets the conditions for participation in the ride-along program.
3. A person may be disqualified from participating in the ride-along program for the following reasons:
  - a. At the discretion of the patrol sergeant or assigned deputy.
  - b. Inappropriate or imprudent clothing.
  - c. Indications of alcoholic beverage consumption.
  - d. Indications of illegal drug use, or medication use that might impair judgment.
  - e. Any behavior or activity that might be considered inappropriate prior to or during the ride-along.
  - f. Failure to provide photo identification prior to the ride-along.
  - g. Failure to complete a waiver form.
  - h. Where circumstances could be detrimental to the participant or to the Sheriff's Office, such as a major emergency, dangerous circumstances, or a high-risk assignment.

**B. RIDE-ALONG PROGRAM ORIENTATION**

1. Before participating in the ride-along program, the participant will receive an orientation.
2. Each participant should receive an introduction letter and a waiver form prior to the orientation.
3. The participant will be advised that warrant checks and criminal history checks will be done on them.
4. The participant must provide a telephone number on the waiver form in case it is necessary to cancel the ride-along on short notice.

5. The participant will be advised that to prepare for the ride-along, he or she should:
  - a. Expect to ride the entire patrol shift, unless there is a need to shorten the time.
  - b. Eat lightly prior to the ride-along and bring money for his or her own meal during the ride-along.
  - c. Smoking is not permitted during the ride-along.
  - d. Know the call sign of the patrol unit to which he or she is assigned. In case of an emergency, the participant should be prepared to speak clearly into the radio microphone and advise County Communications of the emergency, including the specific location of the emergency.
  - e. Not carry any firearms and weapons.
  - f. Not exit the patrol vehicle on car stops, fill unit assists, or calls for service unless cleared with the deputy.
  - g. If riding at night, bring a flashlight and advise the deputy that it is in his or her possession.
  - h. Wear clean, neat, comfortable, and practical clothing. Any revealing, unkempt, or dirty clothing and/or poor hygiene may be reasons for canceling the ride-along.
  - i. For their own safety, participants should refrain from wearing dresses, skirts, and high-heeled shoes.

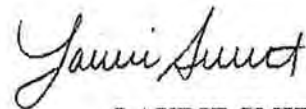
**C. LAW ENFORCEMENT PERSONNEL**

1. Law enforcement personnel from allied agencies are not required to attend the ride-along program orientation.
2. Sworn personnel from the Sheriff's Office are not permitted to participate in the Sheriff's Office ride-along program.
3. Law enforcement personnel may participate in the patrol ride-along program under the following conditions:
  - a. They have completed the waiver form prior to the patrol ride-along.
  - b. They do not ride in uniform.

- c. If they are qualified to carry a weapon, they must conceal it on their person.
  - d. The ride-along has been approved by the supervisor of the deputy providing the ride-along.
  - e. They ride with a deputy that is not an immediate family member
4. If there is any concern regarding the history of the non-sworn law enforcement employee, the supervisor may conduct a warrant check and a criminal history check prior to approval of the ride-along. If there are any questions about a particular participant's eligibility, the patrol deputy should submit an Employee's Report (ER) via the chain of command. The ER should note the deputy's concerns.
5. A civilian employee participating as a ride-along shall merely observe and shall not perform any law enforcement duties, unless a situation arises that compels necessary action and/or the ride-along is directed to take such action by the assigned patrol deputy.
6. Sheriff's Office civilian employees may only participate as a ride-along on a regular day off which does not conflict with any other divisional assignment. Civilian employees participating in the program shall have at least an eight-hour break from their last scheduled tour of duty at their normal duty assignment as well as an eight-hour break till their next scheduled tour of duty.

**D. SHERIFF'S OFFICE PERSONNEL RIDING WITH ALLIED AGENCIES**

1. Sheriff's Office personnel are eligible to participate in an allied agency's ride-along program provided he or she:
- a. not ride-along with an agency in Santa Clara County or in the county in which they reside
  - b. not ride in uniform
  - c. if sworn, must have successfully completed the Field Training Program
  - d. is not on probation
  - e. notifies their division captain of their intent to ride with another agency, and receives approval to do so.



**LAURIE SMITH**



## **USE OF CONFIDENTIAL INFORMANTS GENERAL ORDER #21.00**

Adopted: 07/07/2010  
Replaces: G.O. # 2100 dated 1/10/02

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

Information from a confidential source may provide valuable assistance to law enforcement. In some cases, confidential sources may be motivated by considerations other than good citizenship. These sources, known as confidential informants, are a judicially recognized source of information. An informant's motivation should be carefully evaluated in determining the extent upon which the information will be relied.

### **PROCEDURE**

- A. Confidential informants are individuals who are willing to provide information to law enforcement based on considerations other than good citizenship. In many cases, the motivation of a confidential informant is a desire either to receive assistance in resolving a pending criminal matter or to receive a monetary payment.
- B. In determining whether or not to utilize information from a confidential informant, a deputy should consider:
  - 1. The potential reliability of the information. The deputy should consider the previous criminal history of the potential informant, whether the potential informant is in a position to know the information, and the ability of the deputy to corroborate the information to be provided.
  - 2. The Sheriff's Office's overall responsibility to the community. As a general rule, persons charged with, convicted for, or suspected of violent felonies or crimes requiring registration as a sexual offender should not be considered as potential informants.

- C. Deputies are encouraged to gather and use information from informants. Deputies are not, however, authorized to supervise an informant during an investigation or to provide or promise rewards to an informant without prior authorization from their division captain or division or unit lieutenant. Informants willing to engage in covert activity, such as narcotics buys, should be directed to an investigative unit, such as the Investigative Services Division. All use of informants shall conform to policies and procedures established by the District Attorney's Office.
- D. When an informant has agreed to supply only information and not act in a covert capacity assistance, the deputy receiving the information will ensure that it is delivered verbally or in writing to the appropriate investigator in a timely manner. When practical, a second deputy should be present when interviewing an informant. All meetings where informants are of the opposite sex of the deputy should be witnessed by a second deputy.
- E. Deputies seeking the release of a confidential informant who has been arrested shall obtain permission from their division commander or assistant division commander prior to taking action to obtain the informant's release.
- F. Confidential informants will sometimes offer to exchange information for immunity or for their release. Such immunity may properly be granted by a judge in a judicial proceeding; however, neither the Sheriff's Office nor any of its members may grant any person immunity from prosecution nor promise a reduction of charges or sentence. Deputies shall not provide any monetary reward to a confidential informant without prior approval of their division commander or assistant division commander. The District Attorney's Office has procedures regarding cases involving evidence resulting from the use of confidential informants who are provided rewards involving pending criminal matters or monetary payment.
- G. Deputies shall keep their supervisor informed of their relations and activities involving informants. The supervisor shall notify in writing the division captain and/or lieutenant regarding the use of a confidential informant.
- H. Deputies shall not utilize juveniles who are confidential informants in covert activity without prior approval of their division commander or assistant division commander. Deputies also shall obtain written consent of the parent or guardian of the juvenile prior to authorization of any participation in covert activity. Deputies shall comply with all provisions of California law pertaining to the use of juveniles as confidential informants.



**LAURIE SMITH**  
**SHERIFF**





**VICTIM WITNESS ASSISTANCE CENTER  
GENERAL ORDER #21.01**

Adopted: 07/07/2010

Updated: 02/22/2010

Replaces: G.O. # 21.01 dated 1/10/02

Reviewed: 02/22/2010

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**POLICY:**

The Santa Clara County Sheriff's Office will cooperate with the Santa Clara County Victim Witness Assistance Center to provide assistance to victims of violent crimes, including acts of domestic violence.

**PROCEDURE**

- A. The State of California provides funding to local victim centers to provide assistance to victims of violent crimes. In Santa Clara County, the designated local victim center is the Victim Witness Assistance Center, located at 777 North First Street, San Jose. Their phone number is (408) 295-2656 and web site of [www.victim.org](http://www.victim.org).
- B. State law requires the Sheriff's Office to provide to the Victim Witness Assistance Center, upon request, a copy of incident reports giving rise to claims for compensation from the state by victims of violent crime. The Sheriff's Office may, in its discretion, withhold the names of witnesses and informants if the release of such names would be detrimental to the parties or to an investigation currently in progress.
- C. The Victim Witness Assistance Center provides the services of a victim advocate to the Sheriff's Office. The victim advocate must complete a background investigation by the Sheriff's Office and has received training regarding the criminal justice system.
- D. The Sheriff's Office provides to the victim advocate access to the names and addresses of violent crime victims in order to mail them information on how to make a claim with the state for compensation. To obtain the names and addresses, the victim advocate has access to a Sheriff's Office network computer located at the Sheriff's Office Domestic Violence Unit. The Domestic Violence Unit is responsible for providing training and assisting the victim advocate in gaining access to crime reports on the Sheriff's Office network computer.

A handwritten signature in cursive script, reading "Laurie Smith".



**Limited English Proficiency  
GENERAL ORDER # 21.03**

Adopted: 3/3/2010  
Replaces: NEW ORDER

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**POLICY**

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be limited English proficient, or "LEP," and are entitled to language assistance when they come in contact with law enforcement deputies.

**PROCEDURE**

- A. When deputies respond to a call or make contact with a subject (victim, suspect or witnesses) and determine they speak a language other than English, the deputy should call for another deputy certified in that language or arrange for another neutral and/or certified professional translation services. **Avoid using third party individuals (children, family or neighbors) to translate statements except in exigent circumstances.** Document the names and personal information of all witnesses and translators. If on-scene language translation assistance was provided by a family member, neighbor, or other uncertified person, please note it in your report.
- B. In the event a translator is needed, deputies shall follow these steps:
1. The deputy may determine the LEP individual's primary language using the language identification card.
  2. The deputy shall call for a qualified interpreter in the following order:
    - a) a qualified bilingual deputy or allied agency officer
    - b) a telephone interpreter
    - c) qualified civilian interpreter

3. Any interviews will be conducted in the individual's primary language by a qualified interpreter.
  4. The Miranda Admonition will be read to suspects in their primary language by a qualified interpreter.
  5. Deputies will not use children, family members, neighbors, friends or bystanders for interpretation, except in exigent circumstances. Once the exigent circumstance has passed, the deputy will utilize a qualified interpreter.
- C. The Sheriff's Office has contracted with Language Line Service (same as County Communications) for our office.

Toll Free Number: **1 (800) 523-1786**

Contract Number:

1. Sheriff's Office personnel using this service shall document the following in the Incident Report:

Personnel who called the service  
Date and Time  
Length of Call  
Language(s) Requested  
Event Number

If an Incident Report is not generated, Sheriff's Office personnel shall document the above information in a memorandum to their division commander.



**LAURIE SMITH**  
**SHERIFF**



**COUNTY LAW ENFORCEMENT PROTOCOLS  
GENERAL ORDER #22.00**

Adopted: 07/07/2010

Replaces: G.O. #22.00 dated 4/15/08

Updated: 02/22/2010

Updated: 02/22/2010

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**POLICY**

Employees of the Sheriff's Office shall comply with the terms of the law enforcement protocols to which the Sheriff's Office is a participant.

**PROCEDURE**

The Sheriff's Office has agreed to the Santa Clara County law enforcement protocols. These protocols are agreements made between all of the law enforcement agencies in the County and will be adhered to by all members of the Santa Clara County Sheriff's Office.

A handwritten signature in cursive script, appearing to read "Laurie Smith".

**LAURIE SMITH  
SHERIFF**



## **CHILD ABDUCTION GENERAL ORDER #22.01**

Adopted: 07/07/2010  
Replaces: G.O. #22.01 dated 1/10/02

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

The Santa Clara County Sheriff's Office will comply with the provisions of the Santa Clara County Child Abduction Protocol.

### **PROCEDURE**

#### **A. IMMEDIATE INTERAGENCY ASSISTANCE FOR CHILD KIDNAPPINGS**

1. Each Santa Clara County law enforcement agency will provide officers for immediate use at the scene of the kidnapping upon request of the originating agency. This immediate assistance can last up to 72 hours.

#### **B. LONG-TERM ASSISTANCE TO FOLLOW UP INVESTIGATIVE LEADS FOR CHILD KIDNAPPINGS**

1. Each Santa Clara County law enforcement agency will provide officers for long-term investigation at the originating agency's request. This long-term commitment could last as long as two or three months.
2. Officers selected for the long-term investigative process in reference to these child kidnapping incidents should be officers who have proven investigative skills.

#### **C. REQUEST FOR INTERAGENCY ASSISTANCE.**

1. This policy may be implemented under the following circumstances.

- a. Child kidnappings where the facts indicate that the child has been abducted and is in great bodily danger. (This generally would not include parent custody disputes involving kidnapping.)
  - b. Child kidnappings that fit murder/abduction profiles.
  - c. Extraordinary criminal violations that create extreme hazard to the community or police personnel and require large numbers of officers for initial or follow-up investigations (i.e. police officer shootings, serial killers).
2. Special conditions for interagency child abduction protection protocol.
- a. The requesting agency is in charge of all personnel at the scene of the investigation, including those responding from other agencies.
  - b. Requests for assistance will be made by the watch commanders after approval of the Chief of Police/Sheriff of the requesting agency. All requests for assistance will be made by teletype and confirmed by telephone. Personnel should respond as soon as possible after the request for assistance has been made. All communications should indicate the anticipated time of arrival of personnel.
  - c. While each request for assistance dictates its own special procedures, it can be anticipated that persons responding under this procedure will work a maximum of 12 hour shifts, and will be relieved by the agency providing the personnel. The agency providing the personnel will be responsible for ensuring that their personnel are properly relieved.
  - d. Agencies providing personnel as first-in responders at the beginning of the investigation should provide supervision, if at all possible.
  - e. The requesting agency will provide appropriate information on where responding personnel will report and to whom they will report.
  - f. This policy agreement is intended to provide interagency assistance for child abduction cases, and is not considered mutual aid. Agencies supplying personnel for these incidents incur full costs for their personnel.
  - g. It is understood that each agencies first responsibility is to insure service within its own jurisdiction. Therefore, should an agency experience manpower shortages within its own jurisdiction, their personnel commitments to this protocol may remain unfilled or modified until agency staffing is adequate.

- h.** Agencies providing personnel will be responsible for providing vehicles for their personnel.

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**LAURIE SMITH  
SHERIFF**



## MISSING PERSONS GENERAL ORDER #22.02

Adopted: 07/07/2010  
Replaces: G.O. #22.02 dated 1/10/02

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### POLICY

The Santa Clara County Sheriff's Office will take all necessary steps to assist in locating missing individuals.

#### A. MISSING PERSONS.

1. The law recognizes "at risk" missing persons. "At risk" includes missing persons who may be:
  - a. The victim of a crime or foul play.
  - b. In need of medical attention.
  - c. Someone with no pattern of running away or disappearing.
  - d. The victim of parental abduction/kidnapping.
  - e. Mentally impaired.
2. A missing person report shall be made without delay upon receipt of information from any person, who reasonably believes that another person, including a juvenile, is missing or is a runaway, regardless of the jurisdiction.
3. If the subject of a missing persons report resides outside of the Sheriff's Office's area of responsibility, the Sheriff's records section shall, without delay, forward a copy of the report to the law enforcement agency that has responsibility for the area of the missing person's residence. In cases involving children under twelve



years of age or persons at risk, this cross-reporting must be accomplished within 24 hours of the report.

**B. JUVENILES**

1. In all cases where a missing person report is taken on a juvenile under the age of twelve years, the reporting deputy shall contact Sheriff's records and enter the missing juvenile into N.C.I.C. In addition, Sheriff's records clerks shall teletype the information to D.O.J. missing persons. The reporting deputy shall make the N.C.I.C. entry and the records clerk will teletype D.O.J. within four hours of the time the report was accepted, per Penal Code section 14205.
2. When a juvenile under the age of twelve years is located, the reporting deputy shall contact Sheriff's records and remove the juvenile from N.C.I.C. D.O.J. missing persons shall be notified via teletype within 24 hours.
3. If a juvenile is under the age of eighteen years and is at risk, the investigating officer (detective) should forward a report along with dental records to the Department of Justice within 24 hours after receiving the report.
4. The investigating officer shall be responsible to provide dental records and a report to the Department of Justice on all persons missing for more than forty-five days.
5. If the missing child is under twelve years of age and missing at least fourteen days the dental/skeletal release form must immediately be executed. Also, immediately check with the coroner and submit the report, photograph, and dental/skeletal x-rays to D.O.J. within 24 hours.
6. In all cases where a missing person report is taken, the reporting party shall be provided with a Department of Justice dental release form by the reporting officer (per Penal Code section 14206). If the report is taken by phone, the dental release form shall be mailed to the reporting party. The respective patrol division accepting the report shall have responsibility for mailing the dental release form.
7. In all cases, the field supervisor should be immediately made aware of all pertinent facts. The field supervisor shall notify the Watch Commander and will use judgment in initiating a search and utilizing the resources of allied agencies.



**LAURIE SMITH  
SHERIFF**



## **JUVENILE PROCEDURES GENERAL ORDER #22.03**

Adopted: 07/07/2010  
Replaces: G.O. 22.03 dated 1/10/02

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY:**

It shall be the policy of the Sheriff's Office to protect the rights of the juvenile offender. Deputies shall not detain juveniles in any Sheriff's Office facility in secure detention or confinement, within the meaning of the California Code of Regulations, Title 15, for temporary custody. Whenever appropriate, community resources will be utilized as an alternative to the justice system. In determining disposition, the alternative that is least restrictive to the juvenile is preferred, provided such alternative is compatible with the best interests of the juvenile and community.

### **PROCEDURE**

For the purpose of these procedures, a juvenile is a person under the age of eighteen years. A juvenile must come under the Welfare and Institutions Code sections 300, 601 and 602 before he or she can be taken into custody. Authority to take a juvenile into custody is set forth in Welfare & Institutions Code sections 625 and 625.1.

#### **A. DEPUTY RESPONSIBILITIES**

Whenever a juvenile is taken into custody as set forth in Welfare & Institutions sections 305 or 625, it shall be the arresting deputy's responsibility to ensure all of the following:

1. Notify the Field Supervisor, or in his or her immediate absence, the Watch Commander, of any juvenile arrest which requires the transporting of the minor to the Sheriff's Office or to Juvenile Hall for processing or further investigation. Special care should be made to ensure minors are not brought into contact with adult suspects or prisoners.

2. Advise the juvenile of his or her Miranda rights as set forth in Welfare & Institutions Code section 625 when the minor is arrested for either a 601 or 602 Welfare & Institutions Code violation. Miranda is required for all juvenile arrests, even if there is no interrogation.
3. Take immediate steps to notify parents or guardian per Welfare & Institutions Code section 308(a) and Welfare & Institutions Code section 627(a).
4. Allow the juvenile to make the necessary phone calls within one hour, as set forth in Welfare & Institutions Code section 308(b) and Welfare & Institutions Code section 627(b).
5. Deputies shall notify the school administration, preferably the principal, vice-principal or school counselor, prior to contacting a juvenile on a school campus. The deputy shall advise the school administrator of the purpose of the contact, since the school is responsible for the child during school hours. Upon completing an interview or arrest, the deputy shall let the school administrator know the disposition of the contact before leaving the school. A school resource officer or a juvenile investigations deputy may provide assistance to arrange contact between the investigating deputy and administrative staff.
6. The deputy should use his or her discretion when interviewing a child on a school campus. If an interview is conducted on a school campus, the deputy shall contact the parents or guardian immediately after the interview.

**B. DETENTION PROCEDURES**

1. Deputies shall not detain juveniles in any Sheriff's Office facility in secure detention or confinement, within the meaning of the California Code of Regulations, Title 15, for temporary custody. Secure detention is when a juvenile being held in temporary custody is locked in a room, or enclosure, and/or is handcuffed to a stationary object. Mere handcuffing alone does not constitute a secure detention. Confinement is when a juvenile is held in detention behind a locked door, or restriction of movement by means other than handcuffs.
2. When a deputy contacts a juvenile who is related to a crime or is the subject of a criminal investigation, the deputy will contact the parent and/or guardian in person or by telephone as soon as practical, to assure that they understand the reason for detention and resulting disposition. In order not to jeopardize the investigation process or compromise the safety of the public or deputies, notification may be made at the conclusion of an investigation, detention or arrest.
3. The intent of temporary custody of juveniles is to allow deputies time to complete juvenile investigations, complete necessary forms, and to arrange release of juveniles to appropriate persons or agencies. At no time during temporary

custody shall a juvenile be subject to any discipline, punishment, or corrective action as a consequence to the detention.

4. Juveniles exhibiting suicidal behavior in either words or actions will be treated as outlined in Welfare & Institutions Code section 5150. Juveniles taken into custody under Welfare & Institutions section 5150 shall be transported to Emergency Psychiatric Services at Valley Medical Center or to Stanford Hospital.

**C. JUVENILE CONTACT REPORT**

Deputies shall complete a Juvenile Contact Report in the following instances:

1. When the offender is incarcerated into Juvenile Hall per Welfare & Institutions Code section 625.
2. When the offender is issued a citation for a non-traffic offense per Welfare & Institutions Code section 625.
3. When the juvenile is taken into protective custody.

**D. FINGERPRINTING AND PHOTOGRAPHING JUVENILES**

Fingerprints and photographs may be taken in the following instances based on need, except where taking of fingerprints would be inadvisable, such as in the case of very young minors:

1. When the offender is lawfully detained or arrested for a law violation.
2. When prints or photographs are needed to establish or verify identity.
3. When the arrested juvenile is a suspect in an additional case, and prints are needed for a comparison, or photos are needed for a photo line-up.
4. When the supervisor or watch commander deems it necessary.
5. The photographing of juveniles shall not be arbitrary or indiscriminate but shall meet the minimum standard or criteria of reasonable suspicion required for a lawful detention based on articulable facts, or shall be based on a voluntary consent during a consensual encounter.

**E. DISPOSITION OF JUVENILE OFFENDERS**

The philosophy of handling juveniles shall be to utilize community resources whenever possible. When a juvenile officer is available, he or she will be responsible for determining the proper disposition of a juvenile offender. This should not be construed as relieving the investigating deputy of the responsibility for completing the investigation. When a juvenile officer is not available, the responsibility for determining the disposition rests with the watch commander and/or field supervisor.

**F. JUVENILE PROBATION REFERRALS**

There are two methods by which a juvenile offender may be referred to the Juvenile Probation Department:

1. Incarceration into Juvenile Hall.
2. Referring the case to the Juvenile Probation Department and requesting a petition be filed.

**G. JUVENILE HALL ADMISSION**

1. The reason for incarceration is based on the determination that the youth may be a danger to the community or to him or herself. Incarceration into Juvenile Hall shall occur for those juveniles who present an immediate danger to themselves or to the community. The following are permissive situations for incarceration:
  - a. When the juvenile is on probation and his or her probation officer formally requests that he/she be incarcerated.
  - b. When a parent or guardian refuses or is unable to take custody of the juvenile after a law violation.
  - c. When a juvenile refuses to sign a citation.
  - d. When a warrant is outstanding for the juvenile.
2. Whenever juveniles are to be booked into Juvenile Hall and they are under the influence of alcohol and/or drugs or are sick or injured, a medical clearance must be obtained prior to the incarceration at Juvenile Hall.
3. All juvenile contact reports prepared for Juvenile Hall booking must have a statement of probable cause for either a felony or misdemeanor. The statement of probable cause should be written in the narrative portion of the JCR.

**H. RELEASING MINORS TO DESIGNATED PERSONS**

When deputies arrest a parent for an offense which requires booking, and the parent has his or her child with them, the following considerations should be made for releasing or securing the minor.

1. The investigating deputy should contact his or her supervisor and advise them of the details. County Comm should request the on-call CPS/Joint Response person respond to the location. CPS/Joint Response will conduct a simultaneous interview with the juvenile(s) and transport. The investigating deputy can make a determination on placement if in disagreement with Joint Response case worker, but this is the exception. Joint response will still transport. Joint Response shall be contacted in all cases where the investigating deputy believes the juvenile may need protective custody due to the parent's arrest for criminal violation, or there is an indication of abuse or neglect.
2. Deputies confronted with this situation shall notify the Field Supervisor, or in the absence of a supervisor, shall notify the Watch Commander, and shall obtain prior approval as to establishing a suitable disposition for the minor, if CPS/Joint Response are unavailable, or refuse to respond.
3. If there are any circumstances which allege child abuse, neglect, or raise reasonable suspicions regarding the suitability of the minor's home, or of the person who is to take custody of the minor, then the child should be placed in the Children's Shelter. Joint Response will assist and transport the juvenile(s) to the Shelter. Deputies can provide the 300 WI JCR, but the case worker from Joint Response is responsible for the JCR.
4. In the absence of any known or alleged disqualifying condition, a minor may, at the request of the arrested parent and with the approval of a supervisor, or CPS/Joint Response be released to a designated family member or other responsible adult known to the family whom the parent and child trust. In such cases where a minor is released to an individual so designated by the parent, the investigating deputy will document the request and disposition of the minor in the arrest report. The identity of the person taking custody of the minor shall, whenever possible, be established with positive photo identification or by other appropriate means such as can be verified or confirmed by the parent. Deputy on scene should go through DFCS/CPS to determine if person designated to take custody of juvenile has no prior history with CPS.
5. If the parent is reluctant or tentative about identifying or agreeing on who should take custody of the child, the minor should be taken to the Children's Shelter. An exception to this might be a case in which the juvenile is sufficiently old enough to care for himself or herself, such as a teenager who may simply need to get a ride home or to have a friend to come and pick him or her up.

#### **I. RELEASE ON OWN RECOGNIZANCE**

In a simple shoplifting case or other minor offense, the juvenile may be released on his/her own recognizance at the scene of the occurrence when the following conditions are met:

1. After telephone contact is made with the parent or guardian and he or she agrees with this procedure.
2. The juvenile being released is not under the influence of alcohol and/or drugs.
3. In no event shall a juvenile ever be released on his or her own if the case falls under Welfare & Institutions Code section 300. These cases require supervised adult care.

**J. MEDICAL CARE FOR JUVENILES IN THE ABSENCE OF PARENTAL CONSENT**

Deputies shall obtain medical care in the absence of consent of the parents or guardian of a juvenile by adherence to the following procedure that has been approved by Santa Clara County Superior Court judges. In the event of an emergency, this procedure may be initiated at any hour of any day:

1. Once the deputy has determined that a minor is in need of medical treatment, he or she should take the minor into custody under Welfare & Institutions Code section 625(c). Custody may be established at a doctor's office, hospital, clinic, juvenile's home, or other location.
2. The deputy shall then notify the on-duty juvenile probation officer, who will commence Juvenile Court proceedings and arrange for a hearing at the hospital or other designated place. The deputy may be provided with further instructions.
3. If the parent or guardian refuses to allow the deputy to enter his or her home for the purpose of taking the minor into custody or if the parent or guardian refuses to provide the deputy with information regarding the condition of the child and the deputy has reasonable cause to believe that a medical emergency exists, he or she should notify the on-duty juvenile probation officer, who will arrange for an immediate Juvenile Court Hearing.
4. Nothing in these procedures should be construed to supersede the authority available to medical personnel by hospital administrative codes in treating emergencies in the absence of parent or guardian consent.



**LAURIE SMITH  
SHERIFF**



## **MEDIA RELATIONS GENERAL ORDER #24.00**

Adopted: 07/07/2010  
Replaces: G.O. #24.00 updated 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

Sheriff's Office personnel will cooperate fully with all members of the news media to the extent that such cooperation is consistent with proper law enforcement procedures, this General Order and is not detrimental to the public's interest or welfare.

### **PUBLIC INFORMATION OFFICER**

1. The Sheriff's Office Public Information Officer will assist members of the news media and will handle all requests of a special nature relating to news coverage.
2. All press releases will be the responsibility of the Public Information Officer. He or she will assist other members of the Sheriff's Office in preparing press releases if needed. Description or content of all media contact made by other members of the Sheriff's Office shall be forwarded to the Public Information Officer.
3. The Public Information Officer shall ensure that all requests for, and releases of, information are in compliance with the California Public Records Act.
4. The Public Information Officer is responsible for notifying members of the news media of press conferences.
5. The Public Information Officer is responsible for the issuance of Sheriff's Office media credentials.



## **PROCEDURES**

### **A. RELEASE OF INFORMATION**

Information shall be provided to news media representatives with certain recognized exceptions:

1. Where prohibited due to laws governing confidentiality.
2. When the information to be revealed may be critical to the resolution of a criminal investigation.
3. When the information would disclose police strategy essential to criminal apprehension or crisis resolution.
4. When the information would reveal sources of information where anonymity has been requested or is desired.
5. Information regarding Sheriff's Office Personnel will not be released without approval of the Sheriff and shall be consistent with the California Public Records Act and Peace Officer Confidentiality Statutes. However, approved policy changes or personnel changes within a division may be released by the affected division commander, the affected Bureau Commander, the Undersheriff, the Sheriff, or the Public Information Officer.
6. No information contained in a supplementary or follow-up report will be released, except with the express permission of the commander of the affected division, the Bureau Commander for the affected division, the Undersheriff, or the Sheriff.
7. Certain investigative information not proper for immediate publication, such as names and descriptions of suspects, suspect vehicles, deputies' opinions, conclusions, or suggestions will not be made available unless the Sheriff, the Undersheriff, the Bureau Commander, or the division commander determines that release of such information will not be detrimental to the parties involved or the investigation.

### **B. MEDIA ACCESS**

Media representatives will be allowed access to places under Sheriff's Office control, except:

1. When protection of the crime scene is necessary. A briefing area will be established that will allow reasonable media access without risking the safety of the media or others.
2. When the presence of news media representatives jeopardizes the safety of others.

3. When on private property and the owner does not grant permission for news media access.
4. When the presence of news media representatives unreasonably interferes with or obstructs the responsibilities of public safety personnel.

### **C. GENERAL MEDIA RELATIONS**

Sheriff's Office personnel shall use the following guidelines when interacting with media representatives:

1. All routine news releases shall be made by the on-duty watch commander, division commander, the Public Information Officer or his or her designee. A routine news release may be but is not limited to, an uneventful arrest that did not result in injury to the arrestee, uninvolved bystander, or deputy as a result of the actions of the Sheriff's Office, a traffic accident, or road closure.
2. All emergency or special news releases shall be made by the Sheriff, his or her designee, or the Public Information Officer. An emergency or special news release may be necessitated when a deputy is involved in an incident that resulted in an injury to another person, the public's safety is a concern, or the assistance of the public or media may be beneficial.
3. If two or more media agencies request media coverage of an unfolding event or critical incident in an otherwise inaccessible area, due to safety or other concerns of the Incident Commander, they may pool resources by selecting a reporter or photographer. If they are unable to agree, the Incident Commander may deny media coverage by that type of media agency.
4. The on scene Incident Commander may determine aerial media coverage of an unfolding event or critical incident may interfere with the safe resolution of the incident or compromise the safety of personnel in the air or on the ground. Pursuant to 14 CFR 91.137(a1) and (a3) the IC may request temporary air space restriction through the FAA.
5. Media representatives may conduct interviews of persons not in Sheriff's custody and may freely photograph areas and suspects under Sheriff's Office control when their actions do not directly obstruct or unreasonably interfere with the work of public safety personnel. Under no circumstance shall a suspect or defendant be posed for photographs while in Sheriff's custody. Suspect photographs shall be released only upon approval of the Bureau Commander or affected division commander.

6. Information involving day-to-day operations may be released to the news media by any deputy. However, the deputy should decide if he or she is qualified to respond and if the person making the request is a proper person to receive the information. The deputy's immediate supervisor shall be notified upon releasing information regarding Sheriff's Operations.
7. All members of the Sheriff's Office, when being interviewed by or in the presence of the news media, shall at all times conduct themselves in a professional manner. Members representing the Sheriff's Office shall not use such appearances for the purpose of personal gain.

A handwritten signature in cursive script, appearing to read "Laurie Smith".

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**LAURIE SMITH**  
**SHERIFF**



## **BLOODBORNE PATHOGENS GENERAL ORDER #25.00**

Adopted: 07/07/2010

Updated: 02/22/2010

Replaces: G.O. #25.00 dated 4/15/08

Updated: 02/22/2010

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### **POLICY**

Cases involving exposure, or possible exposure, to communicable diseases will be handled in accordance with state law and Sheriff's Office policy.

### **PROCEDURE**

#### **A. DEFINITION**

Exposure Incident means a specific eye, mouth, other mucous membrane non-intact skin, or parenteral contact (such as a needle stick) with blood or other potentially infectious materials that occur during the performance of an employee's duties.

#### **B. STATUTES**

##### **1. Workers' Compensation laws of California (Labor Code)**

- a. Every worker shall be entitled to Industrial Injury leave when they are unable to perform usual and customary duties because of any injury or illness; (as defined in the Workers' Compensation laws of California) .

##### **2. Penal Code section 7510.**

- a. Per Penal Code section 7510 the employee shall complete form CDPH 8459 (report of request and decision for HIV testing).

#### **C. EXPOSURE INCIDENT GUIDELINES**

In the event of an employee involved exposure or possible exposure to a communicable disease where the source person cannot be determined, is not known, or where the source

person's actions do not result in new criminal charges generating an incident report- such as an accident victim, warrant arrest (no new charges), citizen aid, Sheriff s Office employees shall:

1. Follow the same procedures listed in this General Order with the exception of the following:
  - a. Omit form CDPH8459 ( "Report of Request and Decision for HIV Testing"), and all steps related to these forms, as they are not applicable in this situation.
  - b. In order to ensure the purpose of this order, the procedures below will be followed in the event of any employee involved exposure or possible exposure to a communicable disease where the "source person" of the exposure is known.
    - 1 All rules of confidentiality regarding the incident of exposure shall be strictly adhered to by all involved parties.
    2. Any exposure or possible exposure to a communicable disease which occurs while an employee is on duty will be immediately reported to the employee's supervisor.
    3. The supervisor will ensure that the exposed employee is given immediate first aid at the scene if necessary.
    4. The supervisor will ensure that the exposed employee is expediently transported for medical attention. Medical attention should be provided within 1 hour of exposure.
      - a. Employees may use their Pre-designated physician, Santa Clara Urgent Care or U.S. Healthworks. In the event of an emergency the employee should go to the nearest Urgent Care facility.
      - b. Based on the Sheriff's Office communicable disease protocol, employees are being directed to the County medical facilities listed above. Under section 4600 of the Labor Code, this would not preclude the employee from seeking treatment with a personal designated physician or treatment center, providing the employee has a "Pre-designation of Personal Physician" form filed with the Sheriff's Office Support Services Division prior to the time of the injury or exposure.

5. The exposed employee shall report to the medical facility for treatment from the attending physician.
6. After the exposed employee receives treatment, the supervisor will supply the following forms to the employee and ensure that the appropriate sections are completed. Supervisors shall have these forms immediately available to them during their shift.
  - a. DWC-1 Workers' Compensation Claim Form
  - b. CDPH 8459 – "Report of Request and Decision for HIV Testing"
  - c. 6297 "Sheriff's Office. Employees Report"
7. The exposed employee shall submit all completed forms by the end of the shift during which the incident occurred, (if not practical, as soon as possible, but no later than 24 hours after the incident).
8. All witness employees shall complete an Employees report, Form 6297 (pertaining to the exposed employee's injury/illness )
9. The supervisor shall advise the employee that exposure counseling is available through the following facilities:
  - a. U.S. Healthworks, Santa Clara Urgent Care or Pre-designated Physician
  - b. O'Connor Hospital
  - c. St. Louise Hospital
  - d. Stanford Hospital
  - e. Valley Medical Center
10. The supervisor shall collect the forms from the exposed employee and witness employees, and:
  - a. Complete the employer's section of form DWC-1 "Workers Compensation Claim Form".
  - b. Review and sign the Sheriff's Office "Route of Exposure" form.

- c. Review and sign the Sheriff's Office Employee's Report(s).
  - d. Complete the "Employer's Report of Occupational Injury or Illness" form 370. \* (do not put "source person's" name or mention AIDS, HIV, ARC, Positive, etc., "Employer's Report of Occupational Injury or Illness. Use communicable disease exposure, or exposure to blood, etc.)
  - e. Form 370 attachment "Accident Investigation Report"
  - f. Shall complete the "Route of Exposure" report.
11. The supervisor shall distribute the forms in the following manner:
- a. The supervisor shall fax a copy of form ~~DHS~~ CDPH 8459 to the County Health Department. Fax (408) 885-4215. Attn. Chief Medical Officer
  - b. The original of form CDPH 8459 and the Sheriff's Office "Route of Exposure" form are to be placed into a sealed envelope, marked confidential, and sent directly to the H.I.P. Coordinator.
  - c. Forms DWC-1, 6297, 370 and the "Accident Investigation Report" attachment, shall be submitted to the division captain for review and signatures. The division captain **shall** forward these forms directly to the H.I.P. Coordinator for timely processing.
    - 1. If it is expected that the signature of the division captain will be delayed more than 24 hours, or if serious injury is involved- the supervisor shall fax a copy of these three forms to:
      - a. H.I.P. Coordinator, fax (408) 808-4620
      - b. Workers' Compensation Division, fax (408) 432-7572, or 432-7579.
12. The H. I. P. Coordinator shall complete form CDPH 8479 (Report of Potential HIV Exposure to Law Enforcement Employees) no longer than 48 hours after the incident pursuant to Penal Code section 7554.

Upon completion, form CDPH8479 shall be directed to the California Department of Health Services.

13. The H.I.P. Coordinator shall be responsible for establishing and maintaining a

confidential medical file for the exposed employee. In addition, the H.I.P. Coordinator shall ensure that the appropriate forms are submitted to the Santa Clara County Workers Compensation Division.

A handwritten signature in cursive script, appearing to read "Laurie Smith".

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**LAURIE SMITH**  
**SHERIFF**





## **COLLISION REVIEW BOARD GENERAL ORDER #26.01**

Adopted: 7/18/2013  
Replaces: G.O. #26.01 adopted 07/07/2010

Updated: 04/16/2013  
Reviewed: 5/5/2013

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### **POLICY**

It shall be the policy of the Sheriff's Office that the Collision Review Board will conduct a thorough and proper review of all traffic collisions and legal interventions involving on-duty personnel as well as off-duty personnel while driving Sheriff's Office vehicles or private vehicles used for official county business. The Collision Review Board will determine if the collision was "**Preventable**", in which case disciplinary action or other corrective measures may be warranted, or "**Non-Preventable**", "**Legal Intervention**", or "**Other**".

### **PURPOSE:**

The purpose of the Collision Review Board is to review the investigation, identify causes, determine responsibility, and prepare documentation for a final review by the Sheriff or designee.

#### **A. PROCEDURE**

The chairperson of the Collision Review Board will call for a meeting as needed. It shall be the responsibility of every Division / Facility Captain to ensure that copies of all collision reports and any related documents are provided to the Administration in a timely manner. A copy of the Board's finding and or recommendations shall be provided to the involved employee's Division / Facility Commander.

#### **B. COLLISION REVIEW BOARD COMPOSITION**

1. The CRB will consist of a chairperson, who will be appointed by the Sheriff and will hold the rank of Assistant Sheriff. The Board's membership will consist of the following:

- Assistant Sheriff (chairperson)

- Department Fleet Manager who also serves as Vice Chairperson
  - 1 Traffic Investigation Deputy
  - 1 Headquarters or West Valley Patrol Administrative Sergeant
  - 1 representative from the involved employee's union or association
  - 1 Department Risk Management Representative
  - 1 County Risk Management Representative
2. Board Members shall be recused from hearing a matter if the member is an involved party to the collision or has been involved in the investigation, as a witness, or as the direct supervisor of the involved employee.
  3. The Chairperson may request additional investigative data containing specific details prior to or during the hearing. Additionally, he or she may require other Sheriff's Office members to appear as witnesses.

#### **C. COLLISION REVIEW BOARD MEETING**

- 1) The Board will meet as needed.
- 2) When practical, the Board will conduct a preliminary screening to determine the necessity to call witnesses or interview the involved employee.
- 3) If it becomes necessary to take testimony, the Chairperson shall notify the involved employees and/or witnesses at least ten (10) days prior to the Board meeting as to the: date, time, and place of the Board meeting.
  - a) Any interview of badge staff shall be in compliance with the Peace Officer's Bill of Rights
  - b) Interviews of other employees shall comply with all applicable due process.
- 4) The Board Chair or Vice Chair will ensure that the written materials, diagrams, charts or other investigative material relating to the incident are copied before the meeting. The copies will be made available for review when the Board meets. Each copy will be stamped "Confidential" and numbered appropriately.
- 5) The Board Chairperson or their designee shall have the authority to compel witnesses or other involved parties to attend the Board Hearing. Written notices will be provided to involved parties prior to convening the Board. The Board Chairperson or his or her designee will be solely responsible for posing questions to witnesses. The Board will hear the circumstances surrounding the incident from all involved parties, and may interview any and all witnesses necessary to make a recommendation.
- 6) Non-board members can be excused so that the Board can deliberate.

- 7) The board will determine by majority whether or not the collision falls within all applicable policies and/or procedures. The Sheriff or other designee will serve as a tie breaker should one occur. If it is determined that the facts surrounding the collision fall within policies and/or procedures, the collision will be deemed **“Non-Preventable, Legal Intervention, or Other”** and no further action will be taken. If the cause of the collision is deemed to be out of compliance with any applicable law, procedure or policy, it will be deemed **“Preventable”**.
- 8) All investigative materials and notes will be returned to the Risk Management Representative. The Risk Management Representative will then notify the Sheriff or designee of the outcome and finding(s).
- 9) The Department Risk Manager will maintain a master file of all Collision Review Board findings.
- 10) The disposition of reviewed collisions will be as follows:
  - a) Collisions found to be “Non-Preventable, Other, or Legal Intervention” shall be maintained by the Department Risk Manager. A notice will be prepared by the Department Risk Manager regarding the above findings and sent to the deputy involved in the incident. This will provide feedback to the deputy regarding the vehicle collision.
  - b) Collisions found to be “Preventable” shall be processed in one of two ways. Those cases found to be “Preventable” and fall within the scope of corrective action shall be handled by the employee’s Division / Facility Commander through a recommendation from the Chair of the Collision Review Board. Once the corrective action is handled, the Division / Facility Commander will advise the Department Risk Manager of the disposition. Those cases that are found to be “Preventable” that rise to the level of formal discipline will be referred to Internal Affairs by the chair of the Collision Review Board. The complete packet from the review will be forwarded on to the Discipline Review Board. The Discipline Review Board shall determine the appropriate level of disciplinary action to be taken, in accordance with the procedures for the Discipline Review Board.



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**LAURIE SMITH**  
**SHERIFF**



**SHOOTING REVIEW BOARD  
GENERAL ORDER #26.02**

Adopted:  
Replaces: NEW ORDER

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**CURRENTLY UNDER REVISION**

(See General Order 12.03)



## **DISCIPLINE REVIEW BOARD GENERAL ORDER #26.03**

Adopted: 07/07/2010  
Replaces: G.O. #26.03 adopted 4/15/08

Updated: 02/22/2010  
Reviewed: 02/22/2010

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### **POLICY**

It shall be the policy of the Sheriff's Office that all Internal Affairs investigations that require disciplinary action be presented to the Disciplinary Review Board (DRB) and that the DRB will make a single ruling of discipline and present that ruling to the Undersheriff.

### **PURPOSE**

The purpose of the Disciplinary Review Board is to determine the level of discipline, which is to be administered to an employee upon the completion of a sustained IA investigation, or upon specified findings by the Accident Review Board or the Shooting Review Board..

### **PROCEDURE**

The Disciplinary Review Board shall meet and review all Internal Affairs investigations that are found to be sustained. Upon completing their review of the investigation, a consensus as to the level of discipline will be reached and forwarded to the Undersheriff.

#### **I. DISCIPLINARY REVIEW BOARD COMPOSITION**

- A. The DRB will consist of a chairperson, who will be appointed by the Sheriff and will hold the rank of Commander. The Board's membership will consist of the following:

Voting members -

- Assistant Sheriff
- Two Captains - selected by the chairperson
- Lieutenant from involved employee's division
- Captain from Personnel

Non-voting members -

- Lieutenant from Internal Affairs - Case Briefing - NO DECISION ON DISCIPLINE

B. Board members shall meet the following guidelines:

1. Are not currently the subject of an Internal Affairs investigation;
2. Are not involved in a matter before the Board as the investigator, personally involved in the investigation, a witness, or direct supervisor of the involved employee;
3. Are not related to any person involved in the matter before the Board

C. The Chairperson may request additional investigative data containing specific details prior to or during the hearing, and in addition, may require other Sheriff's Office members to appear as witnesses.

D. The Chairperson may also request other individuals to appear, which the Chairperson feels may have information or expertise, which may be beneficial to the board. Any individual brought in to appear at the board meeting, other than those listed above, shall have no decision in the recommended discipline.

## II. DISCIPLINARY REVIEW BOARD MEETING

A. The DRB shall meet on the third Wednesday of every month or as deemed necessary by the chairperson.

B. Should there be a necessity to reschedule the meeting, the chairperson shall notify all members of the board as to the new date and time.

C. The DRB will be provided with a copy of all investigations to be reviewed prior to the scheduled meeting.

D. The Internal Affairs Lieutenant shall ensure that the investigative reports, background information, and any other pertinent information relating to the case to be reviewed are present at the meeting.

E. The board shall hear a brief overview of the case from the IA Lieutenant and will be able to ask questions regarding the merit of the case.

F. The board shall openly discuss the investigation and the level of discipline each member recommends.

- G. After a consensus recommendation is achieved, all investigative materials and notes will be returned to the Internal Affairs Office.

### **III. DISTRIBUTION OF FINDINGS**

- A. The chairperson shall present the written recommendation of the disciplinary action sought against the employee to the other Assistant Sheriff for review.
- B. If the recommendation involves suspension of more than ten (10) days, demotion or termination, the Assistant Sheriff will forward the recommendation to the Sheriff for immediate review. Once the Sheriff's review is completed, the Sheriff will forward a final recommendation to Personnel requesting disciplinary action be taken.
- C. If the recommendation involves any action less than a ten (10) day suspension, the Assistant Sheriff will review the recommendation and will forward a final recommendation to Personnel requesting disciplinary action be taken.



**LAURIE SMITH  
SHERIFF**